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HANSARD'S

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THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

20° & 21° VICTORIÆ, 1857.

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TO

THE SEVENTEENTH DAY OF JULY, 1857.

Second Volume of Session 1857 (b).

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TUESDAY, JULY 7.

Banff.—Lachlan Duff Gordon, esq., *v.* the Earl of Fife, Manor of Hempholme.

HANSARD'S
PARLIAMENTARY DEBATES,

IN THE

FIRST SESSION OF THE *SEVENTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 30 APRIL, 1857, IN THE TWENTIETH
YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

SECOND VOLUME OF THE SESSION.

HOUSE OF LORDS,

Friday, June 19, 1857.

MINUTES.] *Took the Oaths.*—The Lord Carrington.

PUBLIC BILL.—3ª Transportation and Penal Servitude.

TREATMENT OF SAILORS IN MERCHANT SHIPS—QUESTION.

THE EARL OF SHAFTESBURY said, he wished to put a question to his noble Friend the President of the Board of Trade of which he had given him notice. Their Lordships might have seen the report of a case which had been brought before the Liverpool Police Office involving circumstances of a most atrocious character. It would appear that a man, who had been engaged on board a ship that was to sail from Demerara to Liverpool, during the course of the voyage was subjected to treatment of the most atrocious nature by the captain and the mate. Not only was he scourged, starved, and put in irons, but upon occasions, a large ferocious dog was let loose upon him, which tore his flesh, and left him lying in a pool of blood; the result of this treatment was that in a short time the poor man died, and the body was thrown overboard. On the ship reaching Liverpool the matter was brought before the police office there. Now, he wished to know whether the subject had received the attention of the Government, and whether measures would be taken to bring the parties implicated to justice? He also might be allowed to ask, whether it was the intention of the Government to introduce a measure for the better regulation of the mercantile marine?

LORD STANLEY OF ALDERLEY said, that he could assure his noble Friend, that the Board of Trade would always do their utmost to prevent the perpetration of such atrocious cruelties as those to which the noble Earl had referred. His attention had been directed to the case alluded to, which he admitted, taking the facts to be as they were given in evidence at the police court, was one of very gross cruelty. A prosecution had been instituted, the master and mate had been committed, bail being refused, and they now awaited their trial. He might observe that it was the duty of the master to forward information of all cases of death occurring under circumstances of suspicion on board of any vessel arriving at the port to the Board of Trade, who, if they thought the facts warranted it, would prosecute the parties implicated. A similar case of cruelty to that referred to by his noble Friend had occurred very recently on board a vessel called the *Anna Jane*, where a sailor died from the ill-treatment he received. That case was brought to the notice of the Board of Trade in the way he had stated, and the guilty party was prosecuted at the last Spring Assizes, and was transported for life.

RESIGNATION OF THE BISHOP OF NORWICH—OBSERVATIONS.

LORD REDESDALE rose, pursuant to notice, to call their Lordships' attention to the circumstances attending the resignation of the Bishop of Norwich. Their Lordships must feel that, after what took place in the debates last year concerning the resignations of Bishops, it was impossible that they should pass over the vacation of a see without the intervention of Parliament, and the succession of one Bishop to the seat of another in that House, without some step being taken to ascertain from those who were principally responsible for the proceeding, on what grounds they had acted and what they conceived to be the law which governed them in these cases. Their Lordships would recollect, that during the debates concerning the resignations of the Bishop of Durham and London last year, doubts were expressed whether a Bishop had any power to resign, and it was admitted on all hands that no provision in the nature of a retiring pension could be made without the sanction of Parliament. For his own part, he thought then, and still believed, that any arrangement for resigning upon a retiring pension settled beforehand partook strongly of the character of simony. It was felt that there was some objection to the proceedings then under discussion, and a promise was given by the Government that a measure should be introduced to make a fixed and permanent provision for resignations of this kind. In that position the question still remained. Towards the close of the Session of last year, in the course of a debate, it was stated that the Bishop of Norwich, feeling himself unable to discharge the duties of his see, was anxious to resign if an arrangement could be made for that purpose; consequently the state of matters connected with the See of Norwich was known so far back as last year. When the Parliament met early in the present year; it was then stated by the Government, on being asked their intentions on the subject, that a Bill upon this subject was prepared, and that it would very shortly be laid before Parliament. Circumstances then occurred which led to a dissolution of Parliament, and when that was impending it was felt that it would be useless to introduce a measure which could not then be passed into a law, and therefore no steps were taken to settle this question. Just at the time Parliament was dissolved, it was announced that the Bishop of Norwich had resigned, and that his successor had been appointed. The first question which he thought it important to settle was whether, according to the law, a Bishop could resign. He was not himself disposed to dispute that the Bishop had such power, but considerable doubt existed on the subject, and he did not think that that doubt had been at all lessened by the alterations which had been made as to the seats of Bishops in that House; because the effect of the resignation of any Bishop was to introduce into that House another whose title to sit would depend entirely upon the legality of the vacancy. Supposing it, however, to be perfectly legal for a Bishop to resign, it must be admitted that it was desirable that some legislative regulations should be made, defining the terms upon which that power should be exercised; because, looking at the peculiar circumstances which had attended the resignation of the Bishop of Norwich, their Lordships must feel that there might arise in regard to it certain suspicions to which the Church ought not to be subjected. Nothing could be more dangerous to the interests of the Church than that anything approaching to political feeling should enter into the appointment of Bishops; and it must be admitted that when a resignation took place at a time when Parliament was dissolved, on account of a vote of the other House, which the Prime Minister declared to be a vote of want of confidence in the Ministry, and when the continuance of that Minister in office and his power to appoint a Bishop depended upon the returns about to be made to the ensuing Parliament, their Lordships must feel that a resignation made under such circumstances—he did not say that it was peculiarly so in the present instance—did give to the appointment of the successor a political complexion, which it was most undesirable should attach to it. He therefore thought it most desirable that some legislative provision should be made to prevent a resignation taking place in a manner so sudden and so summary as that in which the retirement of the Bishop of Norwich occurred. One thing had given him the greatest satisfaction, and that was that in the case of this resignation there was no arrangement, and apparently no intention of making an arrangement, for a retiring allowance. It was clear that the resignation had been purely and sincerely made, and that it was made in a manner which reflected upon the Bishop the greatest credit, and removed from his resignation any imputation which might otherwise have been cast upon it, that it was made to favour a particular Minister. He sincerely trusted that in any general measure which might be introduced upon this subject, no attempt would be made by retrospective enactments to give an allowance to the late Bishop of Norwich. Such an attempt would deprive his resignation of its sole virtue of having been made without any understanding that he should receive a retiring allowance. Having brought this subject before their Lordships, he trusted that they would hear from the noble and learned Lord on the woolsack what was the law with regard to the resignation of Bishops, and would receive from some Member of the Government an assurance that it was their intention to proceed by some legislative enactments to regulate the retirement of Bishops who were unable to perform their duties, and the making provision from some ecclesiastical fund for their support during the remainder of their lives.

THE LORD CHANCELLOR said, he apprehended that there was not the least doubt that according to law a bishop had power to resign, although it was true that in the case of a bishop, the metropolitan, and in the case of a metropolitan, the Crown, must accept that resignation before it could take effect. Upon that subject he had no doubt whatever; but as his noble Friend had given notice of this question, he had thought it right to be prepared with authorities as to the law. To refer first to the most popular authority. Blackstone, in his *Commentaries*, speaking of the resignations of the clergy, said—

> "All resignations must be made to some superior; therefore a bishop must resign to his metropolitan, but an archbishop can resign to none but the King himself."

The same statement is made in nearly the same words in *Burns's Ecclesiastical Law*. To go backward, however, to earlier authorities. One of the greatest authorities on ecclesiastical law is Bishop Gibson, and he says—

> "A resignation can only be made to a superior. This is the maxim in the temporal law, and is applied by Coke to the ecclesiastical law, when he says, 'Therefore a bishop cannot resign to the dean and chapter, but it must be to the metropolitan, from whom he received confirmation and consecration.'"

What he meant by "cannot resign to the dean and chapter" was this:—During a vacancy of the archbishopric the custody of the spiritualities was with the dean and chapter; and what Lord Coke said in the passage referred to was, that in that state of things a bishop could not resign, because he must resign to his superior; and the dean and chapter, although they had the care of the spiritualities, were not his superiors. This might satisfy their Lordships; but in addition to this, he would read them a case which occurred in the time of Queen Elizabeth or King James I., and which was recorded in Norman French. In that case it was held by Lord Coke that an alderman of a town—Boston, for instance—who was a justice of the peace by charter of incorporation, could only resign his office into the hands of a superior; and Coke went on to say, "a bishop cannot resign to a dean and chapter, but only to the metropolitan." There was not, it was true, an instance of this since the Reformation; but before the Reformation there had been several, and the Reformation made no difference in this respect. In the time of Queen Elizabeth, Archbishop Grindall proposed to resign, having become blind; but he died while the instruments were in preparation, and before his resignation could be completed. On this part of the case there could be no doubt; but he had heard another difficulty started—with no more foundation, certainly—as to what would be the consequences of the resignation. Would such a resignation, it was asked, remove a bishop from that House? There could be no doubt, he believed, on that point. There were plenty of authorities, and there was the analogous case of a translation, which, in his opinion, was sufficient to decide the point. The moment that a bishop had been translated, and confirmed in his new see, he had done that which was analogous to a resignation of his old see. That in such a case a bishop lost his right to sit and vote in their Lordships' House until he had obtained a writ of restitution of his new temporalities and a writ of summons commanding him to sit in that House, was a matter admitting of no doubt. By accepting a new see he vacated his old see, and thus, *ipso facto*, lost his right to sit in the House until he obtained a new writ in his new capacity. There was one memorable instance of this, in which, if it had been possible to get out of the difficulty, there was no doubt that his predecessor on the woolsack, Lord Eldon, would have availed himself of it. During the time of the Queen's Trial, or, more properly, of the discussion of the Bill of Pains and Penalties brought in against the Queen, the House of Lords was called together for the consideration of that Bill on the 17th of August, 1820, and the roll of Parliament was called over when the House met. Among the names of the bishops present on that day was that of the Bishop of Lincoln. In the July previous, Dr. North, the Bishop of Winchester, had died, and the Bishop of Lincoln had been promoted to that see, but had not been confirmed in it; consequently his name appeared in the roll as Bishop of Lincoln on the 17th of August. On the next day, however, he was not present, and on referring to *The Times* of the 19th of August—for there was no mention of the matter in *Hansard* —he found that the Lord Chancellor, on behalf of the Bishop of Lincoln, stated—

> "That his Lordship had been present yesterday, but that he had to-day been confirmed Lord Bishop of Winchester, and, consequently, could no longer attend as Bishop of Lincoln, nor could he attend as Bishop of Winchester until his temporalities had been restored to him."

If Lord Eldon could have invited the attendance of the right rev. Prelate on that occasion, it might be presumed that he would have done so; but he felt that it was impossible, as the right rev. Prelate, having been confirmed Bishop of Winchester, had ceased to be Bishop of Lincoln, and could not sit as Bishop of Winchester until he had received writs of restitution and summons. It was perfectly clear that a resignation put a bishop in the same position as a translation. But there was a stronger analogy than this in the case of a deprivation. A case of this sort was very much discussed both in and out of the House, in the time of William III. and Queen Anne, when proceedings were instituted against Dr. Watson, Bishop of St. David's, for simony and extortion, and other high crimes and misdemeanours, before the Archbishop. The result was that the charges against Dr. Watson were established to the entire satisfaction of the Archbishop, and he pronounced sentence of deprivation. While the matter was in progress the Bishop of St. David's endeavoured to obtain a prohibition from the Court of Queen's Bench, then presided over by Lord Chief Justice Holt; who, however, scouted the notion of the want of power on the part of the Archbishop to proceed to deprivation; and there was also an application to their Lordships' House to upset Holt's decision, but that was equally unsuccessful. The result was that the Bishop of St. David's was deprived of his bishopric by sentence of the then Archbishop. His seat in their Lordships' House was consequently vacant, and a large party in that House thinking that the matter bore somewhat the aspect of a political persecution, as the Bishop had been appointed by James II., a great debate occurred, and it was moved and carried, to address the Crown not to fill up the vacancy until it was ascertained whether the Archbishop had the right to deprive a bishop of his see. A year or two afterwards, however, the see was filled up, during the lifetime of Dr. Watson, and nobody ever doubted, during the ten subsequent years of his life, that the new bishop had a right to sit in the House or that Dr. Watson had lost his right. Here, then, was the undoubted right of deprivation, and the analogies of translation and resignation, to show what were the effects of resignation. It would be absurd if the result were otherwise, for then there would be sitting on the right rev. Bench both the Bishop of Norwich and Dr. Hinds. Nor need he remind their Lordships that no man sat in that House by virtue of his being a bishop, but by right of the particular see to which he was appointed; and the moment that a prelate ceased to be bishop of a particular see, whether by resignation or by his being translated to another see, it followed necessarily that he had no longer a right to a seat in that House. With regard to the resignation of the Bishop of Norwich, it was but justice not only to that Prelate, but also to the Government to say that that resignation was entirely his own act, without the slightest stipulation or the least hope that any provision would be made for his future support. The right rev. Prelate felt that his health was in such a state as to disable him from discharging the duties of his office in a satisfactory manner, and therefore, without the smallest stipulation or even a hint that any provision would be made for him, he said that whatever was the consequence he must resign an office for which he no longer felt himself qualified. His noble Friend had, however, asked why the Government had not introduced a general measure providing for cases of resignation. He could only say that all the Members of Her Majesty's Government would feel extremely obliged to the noble Lord if he would suggest a mode in which this question could be settled. The Government were quite disposed to introduce such a measure, if it could only be devised; but the difficulty was where to find the funds for the purpose. The matter was under consideration, and the Government hoped to be able to see their way clearly to a solution of it. It was a matter, however, which did not press, because there was no stipulation with Dr. Hinds that any provision should be made for him, nor had the Government received any intimation that it was the intention of any other Member of the right rev. Bench to resign.

THE EARL OF DERBY reminded the noble and learned Lord that last year, when the measure in reference to the Bishops of London and Durham was introduced it was stated to be preparatory to a general measure. Towards the close of the last Parliament, too, the Lord Privy Seal, in answer to a question put to him, stated, on behalf of the Government, that a general measure was in preparation.

VISCOUNT DUNGANNON said, he could confirm the statement of the noble Earl. He himself had put a question to the Lord Privy Seal as to the intention of the Government, and was informed that they hoped soon to lay a Bill before the House on the subject.

LORD CAMPBELL said, he thought it right to state that he fully concurred in all that had been said by his noble and learned Friend on the woolsack as to the law on the subject. From the earliest time that he had been a student of the law he had always understood that a bishop must resign to the Archbishop, and an Archbishop to the Sovereign. Formerly the Archbishop would have resigned to the Pope; but since the Reformation, the Sovereign being for this purpose the head of the Church, the resignation of the Archbishop must be made to the Sovereign. The resignation having been accepted by the metropolitan or the Crown the see was vacant. It was not the resignation but the acceptance of the resignation which vacated the see. In the Session of last year a Bill passed that House with reference to the resignation of two bishops, but that was a Bill to enable these bishops to resign, but to enable them to retain certain parts of the temporalities of their sees after they had resigned. In the case of the Bishop of Norwich it was a simple resignation, and no Act of Parliament was necessary; but it was perfectly clear that, though a bishop might remain a bishop, if he was no longer in possession of a particular see in connexion with the Church of England he had no right to a seat in that House. He regretted that no general measure had been passed on the subject, and he expressed an opinion to that effect when the Bill relating to the Bishops of London and Durham was before the House. There could be no doubt that the Judges and the Bishops should be placed on the same footing in this respect. When no longer able to discharge their duties the bishops should have power to resign on a decent allowance, and no room should be left for bargaining between a retiring bishop and the Minister of the day.

THE DUKE OF NEWCASTLE regretted that the noble Lord on the woolsack, while stating that a general measure was under the consideration of the Government, should have expressed the opinion that the question did not press. When a Bill for the retirement of the Bishops of London and Durham was before the House last year he opposed it, and, as he had anticipated, they found it impossible to act upon it as a precedent; and now some of the facts elicited by the present discussion showed that this matter did press, and they saw the result of the course then pursued, and the suggestions then offered not having been adopted. A right rev. Prelate who found himself unable longer to discharge his duties satisfactorily had resigned his charge, and had done so without receiving any provision for the rest of his days. It was most painful to allude to the private affairs of any individual, and his acquaintance with the late Bishop of Norwich was so slight that he was hardly entitled to refer at all to his case; but he could not refrain from saying that he feared the right rev. Prelate was not in the position as regards worldly means in which he ought now to be placed. He had from a high sense of duty and honour resigned his see when he found himself unable to discharge the functions of his office; he had retired into private life without a pension or allowance of any kind, and if he had done so in poverty—though he hoped it was otherwise—the act was all the more to his honour. Now, this was just one of those cases which a general measure would have met, and he could not help thinking that the Government had failed in its duty in not having introduced such a measure. It appeared even that a measure was not to be expected this Session; and in the meantime other cases might arise of as urgent a nature as the present. When a Bill was brought in it would, of course, provide for all future cases of episcopal resignation, and no doubt they might, at the same time, provide by *ex post facto* legislation for the case of the Bishop of Norwich. On the question of a pension being granted by an *ex post facto* law to the Bishop of Norwich, he would of course exercise his judgment when the case came before them; but in the meantime he felt that a grave responsibility rested upon the Government by whose neglect this case was not provided for. The noble and learned Lord had said this subject was beset with difficulties. No doubt it was; but it was not beset with greater difficulties than had been overcome by former Governments in other cases. A bishop when unable to attend to his diocese might be empowered to appoint a suffragan bishop, as a parochial minister now devolves his duty on a curate. Again, he saw no difficulty in arranging a scheme by which a bishop should be allowed to retire on making due representation to his Metropolitan, and should receive a moderate pension out of the funds of the bishopric, to that extent causing a diminution of the revenue of the incoming bishop. Whatever inconvenience might arise from this arrangement, he could not for a moment believe that it would interfere with the appointment of good bishops, for he had no doubt that the ablest theologians, the ablest scholars, and the ablest parochial ministers would be quite as ready as now to accept bishoprics. He must say, also, that he should not regret any arrangement that would tend to lessen the political character of episcopal appointments. He would rejoice in anything that would compel the Ministers of the Crown to look out for the best qualified men only to fill the episcopal sees of this kingdom. His great object in rising, however, was to protest against the opinion that this question did not press, and to state his belief that it pressed now more urgently than ever.

THE EARL OF HARROWBY would not say that this question did not call for the earnest consideration of the Government. It had, in point of fact, been under the notice of the Government, but was not considered so pressing as other measures that occupied their attention, though but for the dissolution the Government would have brought in a general measure to provide for the resignation of bishops. The noble Duke had referred to the circumstance of the late Bishop of Norwich having retired without having arranged for any allowance. He believed that next Session of Parliament a general measure would be introduced, and he would be happy to see that measure so drawn as to provide for his case. The late Bishop of Norwich retired when he found himself unable to discharge his duties, and certainly in any measure that was brought forward he of all men should not be overlooked.

THE DUKE OF NEWCASTLE said, the noble Earl's explanation appeared to be that the Government had not yet made up its mind in what shape provision should be made for the retiring bishop. If the pension of a retiring bishop was to be derived from a charge upon the revenues of the see such a measure could not be made applicable to this case, unless there were an understanding with the bishop lately appointed, and that would be simoniacal.

THE EARL OF HARROWBY had not stated that there was any understanding with the late or the newly appointed bishop. What he did say was, that on any future measure upon the subject the Government would not allow the fact of the retirement of Dr. Hinds to prejudice his interests.

THE DUKE OF NEWCASTLE wished to point out that if a retiring bishop was to receive a third, or fourth, or any other proportion of the revenues of the see after his retirement, the Government could not make any such provision for Dr. Hinds, because the revenues of the see in their entirety were now vested in his successor.

THE EARL OF MALMESBURY remarked upon the contradictory character of the statements of the Lord Chancellor and the Lord Privy Seal (the Earl of Harrowby) with regard to future legislation on this subject. Surely the latter noble Lord could not have been in the House when the noble and learned Lord addressed their Lordships. He (the Earl of Malmesbury) had understood the noble and learned Lord to say that no measure was in preparation, and that he would be obliged to any noble Lords on the Opposition side of the House if they would suggest one; whereas the Lord Privy Seal said that but for the dissolution a measure would have been brought in. That led to the inference that before the dissolution a measure had been prepared. Again, the noble and learned Lord on the woolsack said that no arrangement had been made with the late Bishop of Norwich; that he had no hope of receiving a retiring pension, and expected nothing. The one noble Lord said that there was not a chance of the late bishop getting a shilling, and the other held out a hope that he would receive something. If these differences and this confusion existed in the ranks of the Ministry, it would be well if they did not quit their seats during the evening, for that appeared to be the only way of avoiding a repetition of such extraordinary discrepancies.

THE LORD CHANCELLOR explained that he had not meant to say Dr. Hinds had no claim to a pension, but simply that there had been no stipulation upon that point. The late bishop resigned purely and simply without any arrangement for pension. He did not think it right to state the retrospective arrangements of the Government; but of course if any general measure were introduced justice would be done to that reverend personage. He was of course quite cognizant of the Bill which had been referred to by the noble Earl (the Earl of Harrowby), which, not being so pressing as other measures, had not yet been submitted to Parliament. The measure was now nearly complete, and might be introduced in the course of the present Session.

THE EARL OF DERBY begged to ask, in that case, why the noble and learned Lord invited his noble Friend to suggest a measure?

THE LORD CHANCELLOR explained that he had only said he would be glad to hear what the noble Lord could say upon the subject, as it had been found by the Government to be one of far greater difficulty than it appeared on the first blush to be.

EARL FITZWILLIAM said, as it appeared there was a measure prepared, he had some curiosity to ascertain its nature. The only sources he had heard suggested for providing pensions for retiring bishops were the Consolidated Fund and the revenues of the sees vacated by the bishops. With regard to the first mode, he thought it would be very difficult to induce Parliament to assent to it; and as to the second, it would really be compelling a diocese to maintain two bishops instead of one. He was inclined to think that any such provision should be made from the general funds of the Ecclesiastical Commissioners, and not from the revenues of particular sees.

THE BISHOP OF OXFORD hoped that no measure would be hastily introduced, as upon this subject, which required mature consideration, a little delay was preferable to precipitancy. It was far better that the Government should thoroughly examine the question and bring in a Bill on their own responsibility. He, however, wished to make a few observations upon what had fallen from two learned Lords. The noble and learned Lord on the woolsack was of opinion, that the acceptance of the resignation of a Bishop created a vacancy in their Lordships' House, and referred to cases in support of that view, but did not allude to one which appeared to him (the Bishop of Oxford) to be the most important upon that point; he meant the case of Bishop Bancroft, who was not able to take his seat in that House during the interval between the acceptance of his resignation of the former see and his being confirmed Bishop of London. The noble and learned Lord had referred to the case of the Bishop of Lincoln, and had stated that that Prelate could not take his seat until he was put in possession of the temporalities of the see. That, however, was incorrect, as the seat in that House was quite unconnected with the temporalities, and only depended upon confirmation in the episcopate. The noble and learned Lord at the table (Lord Campbell) had quoted *Blackstone*, but that authority had rather slurred over the case of an Archbishop's resignation, saying that an inferior must resign to a superior, and there was no superior to an Archbishop except the Crown; but he did not say that therefore resignation must be made to the Crown. Before the Reformation, the Archbishop of Canterbury acknowledged the Pope as his superior, but subsequent to the Reformation all the powers which had previously been enjoyed by the Pope passed to the Archbishop of Canterbury. His noble and learned Friend, therefore, to make out his case, must show either that the Crown was the spiritual superior of the Archbishop, or that by some statute or acknowledged church law it was enabled to accept his resignation. The only parallel case which presented itself to his mind was, the resignation of the Pope himself, of which there had been instances. The Pope, having no spiritual superior, resigned to no spiritual superior, but simply abdicated; and such, in his view, must be the course pursued by an Archbishop, in similar circumstances. Their Lordships would see that the question was a very grave one, and it might be that the suggestion thrown out by the noble Duke would be a better arrangement than any other which had been proposed. He trusted, however, that in a matter so deeply affecting the position of the Bishops, there would be nothing like undue haste, but that the Government before introducing any measure would give their best attention to it.

LORD REDESDALE hoped that the general measure to which reference had been made, would not be pressed with the same extreme rapidity as the Bill of last Session providing for the retirement of the Bishops of London and Durham. He accepted the statement of the noble and learned Lord on the woolsack, that the resignation of the Bishop of Norwich was made without conditions—a statement which would free the resignation from the imputation of being a political act—although the readiness with which the Lord Privy Seal had intimated that in any general measure which might be introduced, provision would be made for Dr. Hinds, was calculated to lead to the supposition that some implied understanding did exist between the Government and the Bishop, that his case should receive consideration. He trusted that something would be done to separate the appointment and resignation of Bishops from the vicissitudes of political life.

EARL GRANVILLE assured the noble Lord, that so far from there having been any understanding between the Government and the Bishop, the resignation took place without qualification, stipulation, or expectation.

LORD PORTMAN rose, to say a word for the clergy generally. He could see no reason why the same provision on retirement which was made for a Bishop should not be extended to a hardworking clergyman, unable from advanced age or physical infirmity to continue the discharge of his duties. He also expressed the hope that the Government would not deal with the question in a hurried manner.

BURIALS — CONSECRATED AND UNCONSECRATED BURIAL-GROUNDS.

PETITION.

VISCOUNT DUNGANNON presented a petition from the Rev. William Palin, rector of Stifford, Essex, praying that a Select Committee may be appointed to inquire into the canonical obligations and usages of the Established Church in connection with the subject of burial, with the view of allaying such doubts and disputes as now frequently arise regarding the necessary and lawful incidents of all new cemeteries constituted under Acts passed in the 15th, 16th, 17th, 18th, and 19th of *Vict.*, or that a declaratory Act defining the same may be passed. The noble Lord remarked, that the main question in dispute was the nature of the boundary wall separating that portion of a cemetery which was consecrated and devoted to the use of members of the Established Church from that which was unconsecrated and placed at the disposal of Dissenters. It was much to be deplored that some declaratory Act had not been passed, describing exactly what the boundary wall should be. He quite agreed with the petitioner, that it was important the question should be set at rest, because it appeared to be giving rise in more dioceses than one to feelings of a very painful, bitter, and unpleasant character. The result had been, in some parishes, even to deprive members of the church of burial, according to the rites of the Church. He wished to ask the noble Earl (Earl Granville), whether the Government were disposed to introduce a declaratory Act which might set at rest the question of the boundary line between consecrated and unconsecrated ground, or, if not, whether they would support such a Bill if introduced by an independent Peer.

LORD WENSLEYDALE said, he would repeat the opinion he had expressed before—that the Bishop of Exeter had mistaken the canons, and that there was no occasion for an explanatory Act. A dispute arose in the diocese of the late Bishop of Carlisle, and he had occasion to consider the whole subject very fully. It was perfectly clear to him that the 85th canon, which required the churchwardens to put a fence or wall round the churchyard, had no reference to the line of demarcation between the consecrated and unconsecrated parts of a common cemetery, but only required that the churchyard should be fenced all round. The object of the canon was to secure that the churchyard, which was the place of interment for all the parishioners, without distinction of religion, should be protected. It therefore declared that a competent fence should be provided to resist the inroads of trespassers and beasts, and to prevent the churchyard from being desecrated. The canon had no reference to the distinction between consecrated and unconsecrated ground. What that division should be—whether a fence or a permanent line of demarcation, such as was not likely to be obliterated—might, he thought, easily be arranged between the Bishop and the cemetery board, the latter of these divisions between consecrated and unconsecrated ground being quite enough to ratify the canon.

LORD REDESDALE said, he was surprised that the noble and learned Lord did not see that the canon could not possibly comprise unconsecrated ground within the churchyard. The question was as to the requirements of the Church, and he could not be surprised that the Bishops generally did not acquiesce in that view, but thought that the recommendations of the Report on the subject should be adopted.

THE EARL OF HARROWBY said, the Committee were not by any means desirous that there should be any separation at all; but merely suggested a certain kind of separation as the most reasonable.

LORD WENSLEYDALE explained that there was a distinction between churchyards and cemeteries, and that the canon did not refer to cemeteries at all.

LORD CAMPBELL said, it would be very satisfactory to him to have some definite rule laid down on this subject, as at present there was some litigation going on in the court over which he presided in connection with it. He thought the rule laid down by their Lordships' Committee might be embodied in a short Act of Parliament.

VISCOUNT DUNGANNON said, he regretted the existence of the present anomalous state of things to which he had called their Lordships' attention, and sincerely hoped that an end would be shortly put to it. He could not help thinking that if the Government were to bring in some short Act which would define what was to be considered a boundary between consecrated and unconsecrated ground in public cemeteries, a painful and constantly recurring subject of discussion would be henceforward avoided.

THE BISHOP OF OXFORD said, the question was already rapidly settling itself. Cemeteries in his own diocese had been constituted without any difficulty arising. The conclusion of the Select Committee had gradually helped matters to a settlement, and he thought it was generally understood that that was to be a compromise which would be satisfactory to both parties.

Petition *ordered* to lie on the table.

TRANSPORTATION AND PENAL SERVITUDE BILL.

THIRD READING. BILL PASSED.

Bill read 3ª (according to order), with Amendment.

THE LORD CHANCELLOR moved the insertion of a Clause applying the provisions of Acts concerning transported offenders to offenders under sentence of Penal Servitude.

THE EARL OF AIRLIE, in rising to put the question of which he had given notice, proceeded to consider the operation of the Bill of 1853, by which transportation was so much restricted, and urged the necessity of some relaxation of the stringency of that Act. In 1850, 2,455 persons had been actually transported; in 1851, 2,240; in 1852, 2,541; besides those sent from Ireland. He learned from what had occurred in the other House, that the Secretary of the Home Department had calculated that Western Australia would only take 1,000 convicts a year, so that we should have an enormous number of criminals let loose in this country. In a colony the convict could obtain employment—here he could not. He, therefore, deprecated any measure which did not provide for the sending out of convicts from this country. The noble Lord concluded by asking Her Majesty's Government whether it was their intention to take any steps with the view of counteracting the evil consequences which must follow from the discontinuance to a great extent of the punishment of transportation beyond the seas under the operation of this Bill and of the Act of 1853.

THE EARL OF HARROWBY regretted that his noble Friend had not expressed his views when the Bill was in progress. He did not know that he could give any answer other than that it was a matter requiring the gravest consideration. He believed the good sense of the country would be quite sufficient to prevent any system being carried into effect which would, as in other nations differently situated, consign criminals to imprisonment for life. No such system certainly could be permitted in England; and he thought that the impracticability of employing criminals constantly upon the construction of roads and in other public works had been clearly pointed out in the discussion upon this question. Indeed, so many difficulties arose the moment that such a course was suggested that it was quite evident that it would fail, even if any Government had the temerity to try it. Probably the best way of treating incorrigible criminals would be to subject them to lengthened terms of imprisonment, and do all they could in the way of moral training combined with labour to form in them habits not easily broken, and which might render them at all events less dangerous to society when the term of their imprisonment had expired. He could not help thinking that, looking to the spread of education among the lower classes, and the many opportunities that now offered for the exercise of honest industry, the evil feared would be much less in reality than it was in apprehension.

Viscount DUNGANNON would not go so far as to say that there was no instance of hardened criminals becoming reformed through such means as those referred to by his noble Friend, but thought the cases were extremely rare. He was afraid that the measure now introduced by Her Majesty's Government would be anything but satisfactory to the public at large. For his part it seemed to him of little importance whether hardened criminals were sent to Australia or any other place, if they could be usefully employed abroad; but he was convinced in his own mind that they ought not to be retained in this country.

Earl GRANVILLE said, that in the present state of their Lordships' House it was hardly worth while to prolong what, if it was not the penal servitude, was the solitary confinement of his noble and learned Friend on the woolsack.

Clause agreed to.

Bill *passed*, and sent to the Commons.

House adjourned at Half-past Seven o'clock, to Monday next Eleven o'clock.

The Earl of Harrowby

HOUSE OF COMMONS,

Friday, June 19, 1857.

Minute.] Public Bill.—3° Turnpike Trusts Arrangements.

THE STATUES IN ST. STEPHEN'S HALL.

QUESTION.

Mr. WARREN said, he would beg to ask the Chief Commissioner of Works when the Statues of Pitt and Burke are likely to be placed on the vacant pedestals in St. Stephen's Hall?

Sir BENJAMIN HALL said, two statues only remain to be placed in St. Stephen's Hall. That of Pitt, by Mr. McDowell, is nearly completed, and will be fixed this year. It is to be placed opposite the statue of Fox. The statue of Burke, by Theed, is less advanced, but the clay model is finished, and when the marble statue is completed it will be placed next that of Fox, and opposite the statue of Grattan.

FAIRS AND MARKETS (IRELAND).

QUESTION.

In answer to Mr. O'Connor Henchy,

Mr. H. A. HERBERT said, that he could not hope to pass a measure on the subject of fairs and markets in Ireland during the present Session, but a Bill would be prepared and placed on the table, so that the opinion in Ireland migh be expressed with regard to it.

On the Motion that the House at its rising do adjourn till Monday,

THE DESIGNS IN WESTMINSTER HALL.

QUESTION.

Lord ELCHO said, he wished to put a question to the First Commissioner of Works relative to the late exhibition in Westminster Hall of Designs for New Public Offices. The exhibition had now been closed for a fortnight in order to enable the Commissioners to report on them, and adjudge the prizes, and the question he wished to put was, whether after the judges had decided, the exhibition would be opened for a few days, in order to enable the public to compare the designs which had obtained prizes with those which had not; for although the public placed every confidence in the ability, integrity, and impartiality of the Commissioners, yet it would be more satisfactory if they had an opportunity of comparing the prizes with the other designs?

Lord JOHN MANNERS said, that the right hon. Gentleman the Chief Commissioner of Works stated on a former occasion that he hoped shortly to receive the Report of the Commissioners. He begged to ask when that Report would be presented to the House?

Sir B. HALL said, that although Westminster-hall was a large space it was only sufficient to hold all the designs sent in for public exhibition; and on the very day that the exhibition of the designs closed, the models for the Wellington monument began to arrive, and they now occupied a portion of the Hall. The 25th of this month was the last day for receiving the models, and, though some of those which were the productions of foreign competitors had already come in, he believed that a great many were still on their passage. The models were likely to be of a very valuable nature, and the whole of Westminster Hall could not be thrown open without exposing them to great damage. Neither would it be fair to the authors of those models to allow them to be seen until they were fixed in their respective places for exhibition. With regard to the question as to when it was likely the judges would come to their decision on the designs, he had every reason to believe, from the communications he had had with those gentlemen, that they would be able to make their award on or about the 25th instant. As soon as their award was given he would take care to make it known to the House. But in order that the public might view the designs which had been selected by the judges he proposed to place around the enclosure within the Hall all those to which premiums might be awarded, and the models would be arranged upon tables in the centre of the Hall in a manner well adapted for their proper inspection. The public, therefore, having already had the fullest opportunity of forming their own judgment as to the merits of the designs, would then have an opportunity of seeing those which the judges had selected, and they would, at the same time, be enabled to appreciate the talent of British and foreign artists as displayed in the models for the Wellington monument.

THE GENERAL VALUATION OF IRELAND.

QUESTION.

Mr. GROGAN said, he rose to ask the Chancellor of the Exchequer if it be the intention of the Government to make any change in the mode whereby the expenses of carrying on the annual revision of the general valuation of Ireland are at present raised? He wished to explain the circumstances under which the valuation was originally undertaken and effected, and the purposes to which it was applicable. The expenditure had been very great, as the cost of its execution had exceeded £357,000, which had been entirely defrayed by the counties of Ireland, and, though the work was perfect when first completed, its annual revision was rendered necessary by the changes constantly occurring in the various townlands and tenements throughout the country. The valuation had not only proved useful in the assessment of county cess and poor rates, but had been of the greatest service to the Government in the levying of the income tax, the legacy and succession duty, and various other branches of the Imperial revenue. Having hitherto paid the whole charge of this valuation, the counties of Ireland felt that they had done all that could fairly be required of them, and they now looked to the Government to defray the expense attending its annual revision, which was required by the provisions of the Act of the 9th and 10th Vict. Nor was this feeling confined to Dublin, for there had been no less than nine petitions from various counties presented on the subject. The Government made infinitely greater use of the valuation than the counties; and, as the object was therefore a national one, the counties of Ireland naturally complained of the whole burden being cast upon them, and nine of them had petitioned the House for a new arrangement on the subject.

The CHANCELLOR of the EXCHEQUER said, the valuation of Ireland was originally introduced exclusively with reference to the county cess. That system, although an improvement on the previous one, contained some principles which did not accord with the English law, and to which objections were made. One was that it contained a provision with regard to the scale of prices, and another had reference to the mode of assessing not the tenement of a single occupier, but a town land; and when the gross sum was assessed on the town land the inhabitants met and distributed it amongst themselves. Although that was an improvement on previous measures, yet it was an imperfect mode of assessing a local tax. The law so remained until the passing of the Irish Poor Law Bill, which contained a system of rating copied from the provisions of the Poor Law Act of Elizabeth as it existed in England. It proceeded, not upon the system of assessing the town land, but upon the assessment and rateability of the occupier. It became necessary, therefore, to amend the valuation, and divert it from the town land into a tenement valuation, and was a pure local, provincial, municipal conversion, introduced for the purpose of the poor law assessment. [Mr. GROGAN: And we pay for it.] Of course the Irish counties and town lands must be prepared to pay for it, in the same way that the English parishes paid for their assessment, and every locality in the county paid for the assessment and levying of its local taxes. The national exchequer had afforded considerable assistance towards the formation of that valuation in defraying the expenses of an ordinary survey, which was not, like the ordinary survey of England, constructed for the purpose of making a geographical map, but a survey on a scale of six inches to the mile, which was intended to assist in the formation of a local assessment of local taxes. The cost of that had been extremely great. That 6-inch map had been of very little use for the ordinary purposes of a map; it served only for an estate land survey. And in order to enable Ireland to possess the advantage of a geographical map, it was necessary to issue one on the scale of an inch to the mile. According to the old law of Ireland, an assessment once made was never amended, and the law contained no provision for any alteration. In England, if the valuation for a local rate was not correct, so as to include all existing tenements, any ratepayer who considered himself too highly rated had the right of appeal. Such a provision was introduced into one of the Irish Acts. He was not sufficiently acquainted with the working of the Act as to be able to say whether there ought to be an annual revision, but that was a fair subject for discussion, and if the law threw too large a burden on the ratepayers, that was a matter for consideration. But that was no reason for calling on the Exchequer to aid the local assessment. Local assessments having been made, it was quite legitimate for the Government to say, when an income tax or a police rate, or any new Government tax was imposed, we will make use of the local assessment for our general purposes. By so doing they imposed no new burden on the different localities, and in Ireland the State had only availed itself of local assessments in the same manner that it had done in England. He consequently saw no reason for acceding to the proposition of the hon. Gentleman. It was contrary to all practice, to all analogy, to all justice, to call on the national Exchequer for contributions towards the revision of local rates in Ireland. But if it could be shown that the law was unnecessarily exacting, and imposed expenses on localities beyond the necessities of the case, that would be a fair reason for the revision of the Act.

COLONEL FRENCH said, that if, as was the case, totally unnecessary revisions of the valuation were called for by the Government, it was very hard to throw the entire expense upon the Irish counties, who had, moreover, no control over the appointment and payment of those who were engaged in them. The Government should give the people of Ireland the nomination of their own officers, in which case they were perfectly ready to pay for such services as were rendered; and the Government ought not to take upon themselves to nominate officers, some of whom, he was told, were incompetent, to direct everything which was to be done, and then call upon the grand juries—men far more conversant with the work than anybody else—to pay for it without inquiry. Let the Government leave them to manage their own affairs, and appoint those who were to conduct them, and they would be perfectly willing to bear the expense.

OFFICERS IN THE CRIMEA—QUESTION.

MR. W. EWART said, he wished to ask the Under Secretary of the War Department whether there will be any objection to print hereafter an amended copy of the Return made this Session relative to the service of officers in the Crimea, in consequence of the accidental omission of certain names in that Return.

SIR JOHN RAMSDEN said, the Return which was ordered by the House of Commons directed that the names of all the officers should be published who had remained in the Crimea from the first landing of the troops to the conclusion of the war, with the exception of intervals of leave of absence for sickness or other causes. A doubt had arisen as to whether the names should be given of the officers who did not go with the expedition at first, but who went at a subsequent period and remained to the end of the war, except when absent by leave or through sickness. That was the reason for the omission to which the hon. Member had alluded. Several representations had been made to him (Sir J. Ramsden) on the subject by hon. Gentlemen in this House. Those representations had been submitted to the noble Lord the Secretary at War, and instructions had been given for the publication of a Supplemental Return, which would be laid before the House as soon as it was ready.

THE CUBAN SLAVE TRADE—QUESTION.

SIR **GEORGE PECHELL** said, he wished to inquire of the first Lord of the Admiralty whether it is intended to increase the number of cruizers for the suppression of the slave trade on the coast of Cuba?

SIR **CHARLES WOOD**: It is the intention of the Admiralty to increase the force on the West India station, including the vessels engaged in the suppression of the slave trade on the coast of Cuba.

CIVIL ESTABLISHMENTS OF THE ARMY.

QUESTION.

SIR **HENRY WILLOUGHBY** said, he understood that an Order in Council, dated the 5th of June, 1855, for regulating the civil establishments of the army, had been revoked by an Order in Council of a later date. The first order stated the duties of all the officers with some details, and prescribed how the civil departments of the army were to be carried on. It appeared, however, that it had been wholly revoked, and that there was now no document on the table to show how the civil establishments of the army were to be governed. Not only had the order been cancelled, but, as he understood, certain offices had been altogether abolished and a new system had been established. He, therefore, wished to ask the noble Lord at the head of the Government, whether he would explain to the House how those establishments were to be carried on for the future, whether there were any Order in Council of which the House had no cognizance which gave the necessary detail, and, if there were, whether the noble Lord would lay it on the table?

VISCOUNT **PALMERSTON** said, that the Order in Council to which the hon. Baronet had referred had been revoked by another Order, which, however, did not substitute any new regulations for those contained in the revoked Order. It was his intention to confer with the War Department with respect to the propriety of issuing another Order.

SALARIES, &c., OF THE HOUSE OF LORDS.

RETURN MOVED FOR.

SIR **DE LACY EVANS** said, he rose to move for a detailed account of the salaries and expenses of the House of Lords, for which a sum of £22,900 is required in this year's Estimates, in aid of the Fee Fund and for salaries, in the same form as the estimates of the salaries and expenses of the House of Commons.

THE **CHANCELLOR OF THE EXCHEQUER** said that, if the hon. and gallant Gentleman would refer to the Report of the Committee on Miscellaneous Estimates of 1848, he would find the subject fully explained. The House of Lords paid a portion of the expenses of its officers out of the Fee Fund; but that fund not being adequate to discharge the whole amount, a Vote was required to cover the deficiency. The practice of the House of Lords was to settle the salaries of its officers, and to send a statement of the deficiency to the Treasury in a gross sum. The Treasury laid that gross sum upon the table of the House of Commons and asked the House to vote that amount. It never had been the practice hitherto to take any steps for ascertaining from the House of Lords the detailed items of which the gross sum was composed. Those items were not in the possession of the Treasury, and they were therefore not laid upon the table of the House. If any steps were to be taken in order to obtain those items he apprehended that it must be done by a message to the House of Lords, or by some means of that nature, because it was clearly not competent for the House of Commons to make an Order for a Return upon the House of Lords.

SIR **DE LACY EVANS** said he would not press his Motion.

Motion *withdrawn*.

House at rising to adjourn till *Monday* next.

ROCHDALE ELECTION—PRIVILEGE.

General THOMPSON said, that a petition had just been put into his hands, and as it related to a matter of privilege he presumed that he could present it at once. The petition was from John Newall, Parliamentary agent, who stated that he was the agent to the petioners against the return for the borough of Rochdale; and that Abraham Rothwell, a material witness, had informed him (Mr. Newall) that he had been offered £50 by one Peter Johnson to induce him to go to New Orleans. He would move that it be read at the table.

Petition read as follows:—

"TO THE HON. THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND IN PARLIAMENT ASSEMBLED.

"The humble Petition of John Newall, of 44, Parliament Street, Westminster, Parliamentary Agent,

Showeth,

"That your Petitioner is the Agent for Andrew Stuart and Thomas Southworth, who signed the Petition complaining of an undue Election and Return for the borough of Rochdale, presented to your honourable House on the 11th day of May last.

"That the evidence of Abraham Rothwell, of No. 12, Packer Street, in the said borough, but now residing at No. 6, York Street, Blackfriars Road, is necessary to enable the said Petitioners to establish their case before the Committee to be appointed to try and determine the matter of the said Petition.

"That, on the 12th day of May last, your Petitioner caused the said Abraham Rothwell to be served with a warrant, under the hand of the right hon. the Speaker, requiring him to appear before the Select Committee to be appointed to try the matter of the said Petition.

"That the said Abraham Rothwell has this 19th day of June stated to your Petitioner that Peter Johnson, beershop-keeper, Toad Lane, Rochdale, did, in the evening of yesterday, the 18th of June, offer the said Abraham Rothwell £50 to induce him to go to New Orleans, for the purpose of avoiding giving evidence before the Committee upon the subject matter of the said Petition, and the said Peter Johnson appointed to meet the said Abraham Rothwell this evening the 19th of June, to conclude the arrangement, and that one John Lord has been cognizant of and assisting in the said offer.

"That your petitioner begs respectfully to submit to your honourable House that such tampering with the said Abraham Rothwell in respect to his evidence to be given to the Committee appointed to try the matter of the said Election Petition, and endeavouring to deter or hinder the said Abraham Rothwell from appearing or giving evidence before such Committee, is contrary to the Standing Orders of your honourable House, and may, if permitted with impunity, prevent the Petitioners against the said Election and Return from establishing their case before the said Committee.

"Your Petitioner, therefore, humbly prays your honourable House to take the premises into consideration, and to make such order thereon as to your honourable House shall seem meet. And your Petitioner will ever pray, &c.—John Newall."

General THOMPSON then moved that the petitioner and Abraham Rothwell do attend this House forthwith, and it being ordered accordingly, and the said John Newall and Abraham Rothwell attending according to order, the said John Newall was examined in relation to the matter contained in the said petition, as follows:—

Mr. SPEAKER: John Newall, you have stated, in a petition which has been presented in your name, that the evidence of Abraham Rothwell is essential in the case of the Rochdale Election Committee. Is that so?

Witness: It is so.

Sir JAMES GRAHAM: I rise to order.

Then the witness was ordered to withdraw.

Sir JAMES GRAHAM: I would suggest to you, Sir, and to the House, that it is essential that a shorthand writer should be present. If it should result from the decision of the House that a warrant should be issued under your direction for the taking into custody of any person by the Sergeant at Arms attending this House, it would be desirable that there should be a record of our proceedings.

Mr. SPEAKER: A shorthand writer is in attendance.

The witness having again come to the bar,

Mr. SPEAKER: You have stated in your petition that on the 12th of May last you caused the said Abraham Rothwell to be served with a warrant requiring him to appear before the Select Committee to try the matter in question.

Witness: I did.

Mr. SPEAKER: And that the said Abraham Rothwell stated to you on this day that Peter Johnson, a beershop keeper in Rochdale, did on the evening of yesterday, the 18th of June, offer to the said Abraham Rothwell £50 to induce him to go to New Orleans for the purpose of avoiding giving evidence before that Committee. Is that so?

Witness: That is what he stated to me.

Mr. SPEAKER: That is all that you know of your own knowledge in this matter?

Witness: That is all.

Viscount PALMERSTON: What answer did he tell you that he made to that proposal?

Witness: That he was dissatisfied with

the offer; that £100 would not be too much. If the House will allow me I will read from a written statement which is signed by Abraham Rothwell—I will read the answers which he gave, I said "Who shall I have to see?"

VISCOUNT PALMERSTON: Did Rothwell say to you that he would absent himself from the examination of the Committee for any given sum of money, if that were promised to him for that purpose?

Witness: No; certainly not.

The witness was directed to withdraw.

Abraham Rothwell was called in and examined as follows:—

MR. SPEAKER: Where do you live?—At Rochdale, in Packer Street.

Were you served with a warrant to attend to give evidence before the Committee in the case of the Rochdale Election Petition?—Yes.

On what day? I have been served with one to-day.

Were you served with a warrant on the 12th of May?—Yes, Sir.

Has anything occurred in consequence of your having been summoned to give evidence before this Committee?—Yes.

What has taken place?—Last night I was met by a friend of the name of John Lord. He asked me respecting some little matters. We went and had a glass of ale together, and then he said he had a friend who had come up from Rochdale entirely to see me, to see if he could arrange with me to go out of this country to prevent giving evidence before this House.

Where did this take place?—I cannot positively say the House—it was in a vault leading from where I am working. He asked me to go and see his friend who had come up. I objected to do it till I had been and had my tea. After that I agreed to meet them at nine o'clock at the Falcon Inn, in Falcon Square. I got there at a quarter after nine, and Lord was waiting for me in the square. He took me to the vault at the corner. I can't say the name of the vault, for I am a stranger here. Then his friend, Peter Johnson, was there. As soon as he saw me he came to speak to me—he said that I knew what he had come about? I said, Yes. He then further asked me if I meant to go away; if so, he would find me an outfit of £50; that he would go as far as £50. I said I thought that was full little. I thought £100 would look much better. He said he did not wish to press me to give an answer then, and he allowed me till to-night to give my answer, and we then agreed to meet to-night at nine o'clock.

Was that all that took place between you and Peter Johnson?—That would be about the amount of it; there were some little things more besides.

Did you then agree to meet him this evening and arrange matters further?—Yes, about taking the money.

By the ATTORNEY GENERAL FOR IRELAND: Do you know where Peter Johnson lives?—Yes, Toad Road.

Where?—Rochdale.

Do you know where he is to be found in London?—No, only to-night at nine o'clock.

What is Peter Johnson by trade?—He keeps a public-house.

In Rochdale?—Yes.

Is he here as a witness in the Rochdale Election case?—I am not aware of it.

You mentioned that he said something about £50?—Yes.

Was anything else offered you besides a sum of £50?—£50 was mentioned for my outfit and my expenses to Mr. Houldsworth—that is his brother-in-law who is now in New Orleans. But he did not name the name of New Orleans, but that I could go to Mr. Houldsworth's. My outfit was, I expect, the shipping expenses, and my fare, and the remainder would be to make up altogether £50.

Was any statement made to you expressly for what purpose you were required to go to Orleans?—Yes, to get out of the way of giving evidence here.

On what occasion?—On the occasion of the petition against Sir Alexander Ramsay.

The Rochdale Election Petition?—Yes.

Was anything said upon that occasion by you or by Johnson about the sum of £100?—Yes, by me.

What did you say to Johnson about that?—I said that I thought £50 was too little, and that I thought £100 little enough.

When you got to Orleans, were you to remain there any time?—No, I was to please myself; he also offered me money to go to any part of the country; he offered that he would pay my expenses as far as I liked to go away, to be out of the way of the petition now in London, so that he might arrange with me to get me right away.

To get out of the way of giving evidence on the Election Petition?—Yes.

After that offer had been made, and you made an arrangement to meet Johnson again this evening, what did you do?—I went home and wrote it down.

And to whom did you give that writing?—To Mr. Newall.

To the Petitioner's agent?—Yes.

When did you give the writing to Mr. Newall?—To-day.

About what hour to-day?—Perhaps it would be two o'clock.

Have you since last evening had any communication, direct or indirect, with Peter Johnson?—No.

By MR. WARREN: Did Peter Johnson show you any money?—No.

Did he tell you where the money was to come from?—He said that he had it in his possession.

He did not produce it to you?—No.

Was anybody else present? — John Lord.

Where was this?—It was in a vault near Falcon Square.

Who was the first person you told of this after it had happened? — Samuel Holland.

Do you know where John Lord is?—I have heard that he lives near to Falcon Square.

Did John Lord hear about the £50?—Yes.

Did he hear about the £100?—Yes, he heard all the conversation.

Where are you to meet this evening?—At the Elephant and Castle.

Did Peter Johnson say where the money was to come from?—He said he had it in his possession.

He did not say that any one was to pay the money?—No. I asked him the question when he mentioned the money. I said, "Who shall I have to see." He said, "No one."

MR. ATTORNEY GENERAL FOR IRELAND: Will you repeat what Lord said to you when he first spoke to you about this?—He said, I have a friend come up from Rochdale, and has brought me some news respecting some money that you are bound for, and he then changed the subject and said, he had also to deliver a message, or rather a question to ask me, that were it possible for me to go away money should be found me. He said that his friend had come up entirely to see me, for fear that another friend of mine, who is likely to come up on this petition, would get two years for not doing his duty. I said I should be very sorry if he got two years. And he said that he had come up to London to see me, if I thought proper, and I said I had no objection to see him. He said the money would be forthcoming to me to get away, if I thought proper, and he thought it was my best way, as I had taken some money to get out of the way.

Did he say to you, or did you say to him anything about the warrant that had been served upon you to attend the Committee?—I believe there was not anything said expressly about that.

When Lord was present at the interview yesterday evening, are you sure that he was near enough to hear what Johnson said to you about the money, and about your going away? — Yes, he assisted it on.

In your interview last evening when you met Johnson, and when you say Lord was "assisting it on," did he say anything?—He advised me to go away.

Do you recollect the words he used?—did he advise you to accept the offer made to you by Johnson?—His mode of talking to me was, how foolish it was for me to go against Sir Alexander Ramsay, now we had made a commencement of it—that as I had received the money I ought not to have gone against him.

How long have you known Lord?—Five years.

When did you come up to London?—On the 10th of May.

Have your been in London ever since the 10th May?—Yes.

What brought you to London on the 10th of May?—I came up expressly to be out of the way of what I call my enemies, that were always at me, trying first one way and then another, and I came out of the way intentionally to get work.

To get out of the way of whom?—Of both parties.

Both the sitting member and the petitioner?—Yes.

Have you been living in London ever since?—Yes, I have got work here.

What have you been doing? what has been your occupation since you have come to London?—I am now working for Gooch and Cousens.

What are you by trade?—A woolsorter.

How long have you been with those parties?—A week since last Tuesday.

Had you any occupation in London before you got the employment you speak of?—No.

Where does Lord live in London?—Somewhere near Falcon Square.

How soon after you came to London did you see Lord?—About a week.

Have you been in the habit of seeing him since you came to London?—I have seen him two or three times.

Has he made any proposion to you before yesterday similar to that which you have stated?—He wrote me a letter.

Have you that letter?—No, one day I sent it to Rochdale.

Whom did you send it to at Rochdale?—The Attorney, Mr. Harris.

Why did you send that letter to Mr. Harris?—To let him see his opinion, and what he was saying to me.

That is Lord's opinion?—Yes.

Are you yourself a voter for the borough of Rochdale?—Yes.

Did you vote at the last election?—Yes.

Where were you when the Speaker's warrant was served upon you?—I am not exactly sure whether I was at Mr. Newall's office or not.

Were you in London or at Rochdale?—I was in London.

Do you know by whom it was served?—I believe it was Mr. Newall's clerk.

Do you know the clerks name?—No.

Should you know him again?—If I saw him I should—I have seen him to-night.

MR. SOTHERON: What do you expect to receive from Mr. Newall?—Not anything.

Are you quite sure of that?—Yes.

Did Mr. Newall know that you were going to see this man Johnson last night?—No.

Did the Attorney at Rochdale that you wrote to know of it?—No.

Did you tell nobody that you were going to see Johnson last night?—Only my friend Mr. Holland.

Who is he?—A friend of mine at Rochdale.

How was it that you wrote to the attorney at Rochdale, that you did not tell anybody that you were going to meet Lord last night?—Because nobody knew that I was going to meet him—he met me.

Then nobody knew of the meeting beforehand except yourself?—No, except Holland.

How came you to tell Holland about it?—Holland is an agent under the Rochdale Petition.

Then Holland, one of the agents of the Petition, knew beforehand that you were going to meet Johnson last night?—I told him where I was going and he went with me part of the way.

MR. ESTCOURT: In a former answer you said that you had received money from some party?—Yes.

From whom?—From Sir Alexander Ramsay's Electioneerers—a person of the name of Metcalf.

When did you receive this money?—On the day of election.

Have you received any money since that time?—No.

When you said in a former answer that you received money, did you refer to receiving money at any time since the election?—No.

Who paid the expenses when you came up from Rochdale?—It was money borrowed.

Who has paid your expenses since you have been in London?—I have borrowed money.

From whom?—From Mr. Livesey.

Have you received from Mr. Newall or from any other person money to support yourself or for any other purpose since you have been in London?—I have not received any money from Mr. Newall or from anybody belonging to him that I know of.

You said that you borrowed some money, from whom did you borrow it?—From Thomas Livesey.

The witness was directed to withdraw.

VISCOUNT PALMERSTON moved that Peter Johnson be ordered to attend in the House forthwith.

LORD JOHN RUSSELL: Would it not be right to order the other persons also to attend this House?

MR. MACAULAY said, he did not intend to offer any opposition to the Motion, but he wished to call the attention of the House to the circumstance that a witness at the bar had charged a man named Johnson with having last night offered him a bribe to abstain from giving evidence before a Committee — an act for which Johnson was liable to be indicted for misdemeanour. He (Mr. Macaulay) presumed the object of calling Johnson to the bar was to ask him whether he was or was not guilty of an act which was a misdemeanour; and such a question could scarcely be put to him unless it were intended that he should answer it under compulsion. He (Mr. Macaulay) wished to know, before acquiescing in the Motion, whether such a course was justified by the law and practice of Parliament?

Sir GEORGE GREY replied that it was declared by Sessional Resolutions of the House, that if it should appear that any person had been tampering with a witness in respect of his evidence to be given in that House, or any Committee thereof, and had directly or indirectly endeavoured to deter or hinder a witness from appearing or giving evidence, the same is declared a high crime and misdemeanour, and that the House would proceed with the utmost severity against the offender. He apprehended, however, that the House would afford to a person under such circumstances the opportunity of making any statement he pleased.

Viscount PALMERSTON: Yes; but one at a time.

Motion *agreed to.*

Ordered, That Peter Johnson do attend this House forthwith.

Then on the Motion of Viscount Palmerston, it was

Ordered, That John Lord do attend this House forthwith.

THE BOMBARDMENT OF GREYTOWN.

QUESTION.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

Lord CLAUD HAMILTON said, he rose to ask the First Lord of the Treasury what steps Her Majesty's Government have taken to obtain compensation for the British subjects residing at Greytown, whose property was destroyed when that town was bombarded in 1854; and if he will lay upon the table of the House copies of the communications that have taken place on that subject with the Government of the United States? The town of Greytown, possessing from its situation peculiar advantages for commercial purposes, had become the residence of numerous merchants —French, Spanish, and English, and after the wonderful increase of trade and population that ensued in California from the discovery of gold, it became so important a position as to excite the cupidity of a certain very active and not very scrupulous party in the United States, who had frequently evinced a disposition to outrage the territory of their neighbours, and who manifested a strong desire to possess themselves of Greytown. Amongst the other parties carrying on business in this place were two rival transit companies, one composed of the people of different countries, including natives of England; the other the New York and Nicaraguan Transit Company, consisting, for the most part, of Americans. This latter company, whose agents were, for the most part, connected with the party in America to which he had referred, had obtained from the local Government on certain conditions a large grant of land near the port. This land was speedily covered with buildings, and the company then evinced a systematic spirit of encroachment, endeavouring to extend their possessions without regard to the terms of the covenant upon which they obtained the original grant. The consequence was, that constant collisions, attended with violence, took place between the servants of the Transit Company and the local authorities. It appeared that, unfortunately, the Government at Washington appointed a gentleman as representative of the United States at Nicaragua, who was a strong partisan of the Transit Company. The consequence of the appointment of that gentleman had been, that the local authorities of Greytown had been systematically insulted by the Americans, and on one occasion an attempt was made to withdraw from the hands of the authorities a person who had committed a murder. There were in the town extensive warehouses and other buildings belonging to the parties engaged in the other company, and the object of those who assumed this attitude of hostility towards the local authorities seemed from an early period to be to obtain by force possession of the town. But as the authorities had no force sufficient to resist the partisans of the Transit company who were constantly receiving reinforcements, they never attempted to assert their rights by force, but sought by remonstrance and conciliation to avert the threatened encroachments: on one occasion they resigned their trust, and invited the British consul to act for them. This arrangement, however, was not carried out. The Americans having failed to provoke the local authorities into a resistance by force, began to proclaim that they were most oppressive in their conduct, and had recourse to the expedient of making fictitious claims against them for injuries said to have been done to American interests and property. The *ipse dixit* of the Americans was always taken as sufficient in those cases, and any appeal to refer the points in dispute to arbitration had always been rejected. The local authorities could only remonstrate, and it had at length been announced by the American Consul that the Government at Washington should be consulted upon the questions at issue, but nothing had been heard in relation to the result of any such appeal until the 12th of July, 1854, when a large corvette belonging to the United States had arrived in front of Greytown, the captain of which vessel had immediately sent a formal intimation to the authorities to the effect that if they did not at once consent to pay 24,000 dollars by way of compensation for injuries alleged to have been inflicted upon the Americans, the town would forthwith be bombarded. Upon the receipt of that intimation the local authorities drew up a strong protest against the outrage about to be committed upon them. The English Consul happened to be absent at the time, but he had ably been represented by our Vice-consul (Mr. J. Geddes), who also drew up a protest against the meditated bombardment, which protest was duly forwarded to Captain Hollins, Commander of the United States' corvette. Now, he might add that it was perfectly well known that the local authorities could not raise the sum which had been demanded of them ; but, notwithstanding that fact, and despite the protest to which he had just adverted, the town had, after a lapse of a period of only twenty-four hours from the time of the arrival of the vessel been bombarded by the American captain, shells to the number of 250 or 300 having been thrown among its unarmed inhabitants. Finding, however, that the shells had not succeeded in destroying the whole of the houses in the town, Captain Hollins had given orders to his men to proceed systematically from house to house, with torches in their hands, and to set fire to every species of valuable property as they passed upon their way. The result had been, that all the houses in the town had been destroyed, and among them the residence of the British Vice-Consul, which had been deliberately set fire to while the English flag was flying from its roof. The disgraceful outrage which had thus been committed upon defenceless citizens had, he might further observe, taken place in the middle of a most inclement season, had deprived the inhabitants of Greytown of all shelter, and had resulted in driving forth aged women and children without a roof to cover them amid all the severity of those tropical torrents by which the period of the year at which the melancholy disaster in question occurred in Nicaragua was characterized. This version of the facts was not taken from the British residents only, but was concurred in by the French, Spanish, and other residents, and testified to by the Consuls of several nations; and he should ask the House not to lose sight of the fact that the alleged grievances of the Americans were of such a fictitious nature, that no attempt had ever been made by them to submit them to arbitration. These shameful occurrences had taken place three years ago, and yet no attempt had hitherto been made upon the part of Her Majesty's Government to obtain any explanation of a proceeding, in the dreadful consequences of which no less than thirteen British families were involved, and by which a direct insult had been offered to the English flag. In the meantime a document fell into the hands of the sufferers which showed how inexcusable were these proceedings, and that the design of the Americans was to gain possession of the town. This document was a letter written by a Mr. White, the agent of the New York and Nicaraguan Transit Company at New York, to Mr. Fabers, the American agent at Greytown. In this document the people of the town were styled scoundrels. It stated, that if these scoundrels were soundly punished, possession could be taken, a business place built up, and the jurisdiction transferred. The writer observed, "You know the rest;" and added, "It is of the last importance that the people of the town should be made to fear." This was the letter : —

"Office of the New York and California
Steam Ship Line, *via* Nicaragua,
No. 5, Bowling-green, New York,
June 16, 1854.

"Dear Sir,—Captain Hollins leaves here next Monday. You will see from his instructions that much discretion is given to you, and it is to be hoped that it will be so exercised as not to show any mercy to the town or people. If the scoundrels are soundly punished we can take possession and build it up as a business place, put in our own officers, transfer the jurisdiction, and you know the rest. It is of the last importance that the people of the town should be taught to fear us. Punishment will teach them, after which you must agree with them as to the organization of a new Government, and the officers of it. Everything now depends on you and Hollins. The latter is all right.—Yours, &c.,

"J. L. WHITE."

He thought, after this, that the House had a right to some explanation from the noble Lord at the head of the Government as to what steps had been taken to obtain compensation for those British subjects whose property had been destroyed by this unjustifiable bombardment. The noble Lord (Viscount Palmerston) held high language some time since when he repudiated the insinuation of an hon. Member that the resistance of the British Government to acts of oppression was to be measured by the strength of the aggressor. The noble Lord repelled that idea with indignation. Hon. Members who remembered the way in which the noble Lord exercised all the power of England in the case of Don Pacifico, knew with how high a hand he carried British authority on such occasions. The House knew, also, the manner in which the noble Lord had declared it necessary to vindicate the honour of the British flag in the Chinese waters, in a case in which the right to hoist that flag had been exceeded. In the Chinese case there was a doubt if the flag of England was flying, and it had been clearly proved that the vessel in question had no legal right to hoist the British flag, but in the case of Greytown there could be no doubt, for the house of the British consul, over which the British flag was flying, was deliberately and wantonly set fire to, and destruction entailed on thirteen British families, one British subject losing property to the value of many thousand pounds sterling. He (Lord C. Hamilton) was aware that it was said by the American Government that they were not originally conscious of the proceedings that were carried on in their name; but, unfortunately, since that time, they had involved themselves in the transaction by not punishing the perpetrators as they might have done, the agents in the outrage being citizens of the United States. Still, in justice to the inhabitants of the United States, he must observe that public opinion among them had strongly manifested itself on numerous occasions by condemning the whole transaction, and by stigmatizing it as a marked violation of the law of nations. The public press has also most honourably denounced the whole proceeding. In conclusion, he begged to ask the Prime Minister for the information sought by the terms of his notice, and trusted that the noble Lord would be able to show that some steps had been taken by the Government in this case to obtain justice for British subjects who had been grossly outraged, and whose property had been destroyed.

MR. HADFIELD, before the speech of the noble Lord who had just spoken was replied to, wished to draw the attention of the noble Lord at the head of the Government to a Bill which had been brought from another place, and was now upon the table of the House, relating to testamentary jurisdiction. The measure was a very important one. During the last four years they had had not less than eight Bills brought before them on the subject, and the present Bill had undergone the consideration of some of the ablest lawyers, here and elsewhere, that the country ever possessed. The Bill had already appeared once in the paper, but so low down that it had to be postponed. It now stood for Monday next, and unless the noble Lord lent it his powerful support, he feared it would continue in the "slough of despond," and the country would despair of the power of the House to remedy the evils it was intended to cure. He begged to ask whether it is the intention of Her Majesty's Government to press the Probates and Letters of Administration Bill to a successful issue in the present Session.

VISCOUNT PALMERSTON said, I can assure my hon. Friend that it is the full intention of Her Majesty's Ministers to press the Bill to which he has referred, as they hope a favourable decision in this present Session. The Bill was brought in by the Lord Chancellor in the other House of Parliament. It is one of the measures of the Government, and therefore I am exceedingly anxious for its progress, in which I am very glad to find we shall have the assistance of my hon. Friend. The Bill having come down from the House of Lords, is not so pressing as other Bills which have to go up to that House. Therefore, if the Bill is postponed for other Bills of more pressing importance, my hon. Friend must not suppose the Government will at all shrink from doing their utmost to carry it. With regard to the matter to which the noble Lord has called the attention of the House, I am bound to say that the transaction to which his question refers was one which it is impossible not to characterize as a very violent and a very cruel proceeding. It was, however, authorized and ordered by the Government of the United States. Whether they meant it to be carried out with such severity, or whether the officer—and who is, I believe, a very distinguished and honourable officer in the United States' service—mistook his instructions, I cannot say. But I am bound to observe that the manner and degree of severity which was exercised, reflect no credit either upon the Government which ordered, or upon the officer who executed those orders. But the question which Her Majesty's Government had to consider was the bearing of international law upon that question. Now, it is undoubtedly a principle of international law, that when one Government deems it right to exercise acts of hostility against the territory of another Power, the subjects and citizens of third Powers, who may happen to be resident in the place attacked, have no claim whatever upon the Government which, in the exercise of its national rights, commits these acts of hostility. For instance it was deemed necessary for us to destroy the town of Sebastopol. There may have been in that town Germans, Italians, Portuguese, and Americans, but none of those parties had any ground upon which to claim from the British and French Governments compensation for losses sustained in consequence of those hostilities. Those who go and settle in a foreign country must abide the chances which may befall that country, and if they have any claim, it must be upon the Government of the country in which they reside; but they certainly can have no claim whatever upon the Government which thinks right to commit acts of hostility against that State. Therefore, we were advised, and I think rightly, that British subjects in Greytown had no ground upon which they could call upon the Government of this country to demand from the Government of the United States compensation for the injuries which they suffered in the attack upon that town. We may think that the attack was not justified by the cause which was assigned. But, as an independent State, we have no right to judge the motives which actuated another State in asserting their rights and vindicating wrongs which it supposed its citizens or subjects had sustained, and there was nothing in the relations between Great Britain and Greytown which gave us a right exceptional to the application of that general rule of international law. Greytown certainly was part of the Mosquito territory, and under the general protectorship of Great Britain, but that protectorship was of a nature which carried with it the obligation merely of protecting it against foreign aggression, but did not go to the extent of interfering in disputes between that and another State. There are two kinds of protectorship. In the Ionian Islands the British Government directs the action of the Government of the protected State. Nothing is done in that State except by the counsel and advice and the actual action of the British representative. We are consequently responsible for everything which the Government may do, and therefore entitled to require redress for wrongs or to vindicate any attack upon the place. Not so with regard to Greytown. Government is there administered by a self-elected, self-constituted municipality of Americans, English, French, Spaniards, and Germans. They are acting upon their own responsibility, and they, and not England, must be responsible for the consequences of everything they may do. I believe the real state of the case was that there was a dispute between two rival American transit companies, the one patronized by the self-constituted Government of Greytown, the other protected by the Government of the United States; and that out of the rivalship and quarrels of those two companies arose the transaction to which the noble Lord has adverted. Undoubtedly communications have passed between the British and American Governments, with a view to ascertain what the intentions of the American Government were; but we found that they rested upon the rule of international law to which I have referred, and the right which the law of nations gave them to take measures which they, in their own judgment, deemed necessary. The American Government have determined not to give compensation to any parties. They have refused, I believe, to give compensation to their own citizens who suffered by the bombardment. When I say refused, I do not know whether the demand was made, but I know they do not intend to give compensation to Germans, French, Spaniards, or any subjects of other Governments settled at Greytown at the time. Her Majesty's Government, therefore, acting under the advice of those who are most competent to give an opinion upon the subject, and deeming the advice in accordance with international practice, have foregone demanding any compensation of the United States for those subjects of Great Britain who have been so unfortunate as to have been injured by the bombardment of Greytown. I have now to appeal to my hon. Friend the Member for Mallow (Sir D. Norreys) who has a Motion on the paper with regard to proceedings in Committee of Supply. The embarrassment to which the Motion relates has in the present instance arisen very much from the anxiety of the Government to afford to the House the most detailed information possible with regard to the Estimates which they proposed. We felt, however, that there was a great deal of force in the objection made that one Vote ought not to cover such a multitude of items, and we intend to divide the Estimate into three, so that the classification will be more in accordance with the nature of the expenditure. W e may, in a future year, endeavour to alter the form of the Estimates so as to obviate in a greater degree the difficulties which have arisen; but no change can be made in the course of proceeding in this House without altering those forms of the House which have existed, I believe, from the memory of man. It is matter well deserving the consideration of the House whether those forms of proceeding ought to be altered. They rest upon reasons which have appeared to be good for a long course of time. At all events they ought not to be altered hastily and on a sudden by a Motion for an instruction to the Committee of Supply, but after a full consideration of their bearing upon the general character and nature of the proceedings of the House. I therefore hope that my hon. Friend will not call on the House to decide upon the Motion which he has announced his attention of making, but that he will allow Her Majesty's Government to endeavour, in the next Session of Parliament, to frame the Estimates in some manner that may be more calculated to afford facilities to hon. Gentlemen to urge objections which may occur to them. Then, if it should appear that we have not succeeded in that, this House may, on full deliberation and consideration, determine whether it will be worth while to alter forms of proceeding which are of long standing, and which are part and parcel of its general system of conducting business.

Lord LOVAINE said, he could not refrain from making one or two observations relative to the manner in which the noble Viscount had treated the question brought forward by his noble Friend. The noble Viscount might, perhaps, be right in the legal view which he took of that question; but he believed it was the first time in the history of civilized nations—at all events, he (Lord Lovaine) could not recall to mind any instance of a nation in a time of profound peace, not only sending out an armed force to destroy a town, but to destroy property which belonged—and notoriously belonged—to the citizens and subjects of a power with which they were at peace. Now, so far as our vice consul at Greytown was concerned, it appeared that the English flag was flying on his house, and that the house was destroyed with the perfect consciousness and knowledge that it did belong to the English consul, and was under the protection of the English flag. Moreover, it was not destroyed by the fire of the American ships, but deliberately by the party who were sent on shore. Now, he could not help thinking that if one-half the energy and vigour which had been shown by the British Government in the affair of China had been exhibited in the present instance, something might have been secured in the way of compensation for the wretched sufferers at Greytown. The case was an entirely exceptional one. It was not like any other that he knew of as having occurred within his memory; and when he recollected that the noble Lord had out of the House, in places where there was no opportunity of contradicting him, indulged in language which was not very complimentary to hon. Gentlemen on that side of the House, and stated that his opponents on the question of the Chinese war were indifferent to the honour of the British flag, he (Lord Lovaine) thought it was as well that it should go forth to the world that there had been other opportunities of vindicating the outraged honour of the British flag and the rights of British subjects which had not received that attention from the noble Viscount to which they were entitled. It was a remarkable circumstance that when a power was weak and feeble the noble Viscount could display plenty of determination to vindicate those rights; but where the power was one to be respected by reason of its strength, somehow or other no remonstrance was made, and no effort employed to obtain anything like redress for those English subjects who happened to be the sufferers.

Mr. ROEBUCK: I cannot help being reminded by this discussion of the sort of castigation, as I may almost call it, to which I was recently subjected by the noble Lord, because I had presumed to say the conduct pursued by our Government would lead the world to think that England was a bully to the weak and a coward to the strong. On the occasion to which I refer, the noble Lord was, as he always is, exceedingly adroit in diverting attention by his sarcasms from the point to which my remarks were directed. But what has he done in this case? He has brought forward a sort of solution which, in its very essence, is a degradation to the country. Greytown, says the noble Lord, was under the protection of England. What is the meaning of that phrase? "Oh!" says the noble Lord, "we are to protect Greytown against occupation or conquest by a foreign nation;" but he would allow a foreign nation to bombard it. How was Greytown originally peopled? Subjects of this country went out, carrying with them, as they thought, the name of Englishmen and the protection of England, and colonized that town. This place, says the noble Lord, was a part of the Mosquito territory? I will bind him to that. What, then, have we always said and done in respect of the Mosquito territory? Have we not held that we were the protectors of the Indians there? and did we not, on a late occasion, make a treaty by which we vindicated to ourselves the right to protect them, and also declared it a part of the honour of England not to desert tribes which have been for centuries under our protection? But if this were true as regards the Indians of Mosquito, how much more true is it as regards those Englishmen who have gone out and colonized that country, believing that the *œgis* of England was extended over them? If there ever was a flagrant case in which we have been subservient to the strong this is it. The noble Lord himself calls this a cruel proceeding. It was more than that; it was dishonest as well as cruel, on the part of the United States' Government; but were we to stand by and allow our subjects to be ill-treated by a strong Power? Supposing this had been done by China, or by Brazil? Why, we should have had one hon. Gentleman after another on that (the Treasury) bench rampant at the outrage offered to the British flag, and indignantly insisting that the national honour should be vindicated. We should have had this sort of language mouthed here from twelve o'clock in the day to twelve o'clock at night, and the war-cry would have been sent through the country by the newspapers of the next morning. We all know what happened when the lorcha was boarded in the Canton river. We heard of the insult to the British flag. Did we ever hear of the insult to the British flag at Greytown? A British consul was there, and protested against the proceedings. The British flag was flying over his house when the bombardment began, and he and his family were obliged to leave the place on account of the danger to which they were exposed. The town was, in fact, blown to atoms by the strong Government of America; and we stood by while we saw our people ruined, their property destroyed, and our flag disgraced. Yet, an occasion is taken, forsooth, to vilify hon. Gentlemen in this House who are really anxious to vindicate the honour of England, but who do not wish to vindicate that honour by becoming bullies to the weak and trucklers to the strong. An honest, just, and merciful bearing towards all nations is the attitude worthy of England. Let her protect the weak if they are in the right, and see that justice is done to Englishmen wherever they reside.

MR. BENTINCK said, they had that night heard two remarkable statements from the noble Lord at the head of the Government; one of these was an opinion in favour of non-intervention in the affairs of other countries, and by that opinion he trusted the noble Lord would henceforward be guided. There was something remarkable, too, about the description which the noble Lord had given of the whole transaction at Greytown as connected with the Government of the United States. He had told the House that a quarrel took place between two rival transit companies and that the mode of settlement—he could hardly term it arbitration—adopted by the United States Government was to bombard the town which was the scene of the dispute. That was one of the most singular proceedings on the part of the Governmant of a great country that he (Mr. Bentinck) had ever heard of; yet they had the authority of the noble Lord that that course was taken by the United States Government in order to determine the dispute between the two rival companies. He trusted the Government of the United States would be satisfied with the version of the proceedings which had been given by the noble Lord. He (Mr. Bentinck) would not now go into the question of international law. The noble Lord himself was high authority upon that subject; therefore, although it appeared to be somewhat extraordinary that the British flag should, under any circumstances, be insulted and disgraced without this country being possessed of the power of requiring an indemnity or apology for such conduct, he would waive the question of international law. With his noble Friend (Lord Lovaine), however, he must say that it was rather singular that by some chance or other it always happened that whenever any such outrages were committed by countries which had not the power to defend themselves, we insisted upon immediate reparation; but when the outrage was committed by a power that was able to take its own part, or with which it was not thought expedient to have an altercation, we allowed ourselves to submit to the grossest insults without exacting redress or even demanding apology for what had been done. This reminded him of what had been a subject of discussion in that House time out of mind; for the present was not the first, second, or third occasion on which they had had discussions as to the want of, he would not say common courage, for nobody doubted that, but of determination on the part of this country to resist the outrages and insults which were offered it by the United States. He was not one of those who for one moment undervalued the importance and the enormous misfortunes which a war between this country and the United States of America would inevitably entail on both. He begged to be distinctly understood as entertaining the strongest sense of the importance of that question, and the necessity of never allowing ourselves to commit any unjustifiable act that would lead to such a result. But the course pursued by this country with regard to the United States on more than one occasion—not particularly the present, though that, he thought, was a case which should have been dealt with differently—had been such as was more likely to lead to hostilities than to avert them. He believed the real cause of that which had led so justly to the numerous complaints, both in this House and in the country, of the sort of degradation to which we had at various times submitted under outrages and insults from the Government of the United States, had arisen out of a painful necessity—namely, that a great portion of the commerce of this country was dependant for its supply of raw material upon the United States, and there had always been a dominant party in this House who had, in so many words, told the Government, "If you go to war with America we will turn you out." The consequence was, that no Government had dared to take a straightforward or manly part when a dispute had arisen between this country and the United States. Now such a policy as that was, in his opinion, much more calculated to lead to hostilities than to insure the continuance of peace. The practice, so often repeated by the Government of the United States, of offering insult to this country under circumstances in which they would not from policy venture to do so, did they not know that we were hampered by commercial considerations, was one very likely to lead to a repetition of such proceedings, and to the inevitable consequences of a repetition, namely, that one of these days an outrage of such magnitude would be offered that the spirit of the country would revolt at it, and we should be forced into that very war which we now sought to avert by improper and untimely concession. There was a limit, no doubt, at which conciliation and cowardice became convertible terms, and he believed there was nothing so calculated to precipitate a war with America as forgetfulness of what was due to our own honour.

The ATTORNEY GENERAL assured the hon. and learned member for Sheffield (Mr. Roebuck) and the hon. Gentleman who had just sat down that if the law advisers of the Crown had found that, compatibly with the international law of Europe, satisfaction could have been demanded from America for the losses sustained by British subjects at Greytown, they would unquestionably have pressed upon the Government advice to that effect. The opinion they arrived at was arrived at unwillingly and reluctantly by the law advisers of the Crown. But France also was concerned in this affair, and was she to be accused of truckling to America? In France they were obliged to come to the same conclusion, and France therefore as well as England had abstained from pressing any demand for satisfaction that could not legally be obtained. The experience of the proceedings between this country and America which he had had as law adviser of the Crown led him to a conclusion the reverse of that arrived at by the hon. Gentleman who had just sat down. If America were asked her opinion, she would say that she had reason to complain again and again of the strictness with which the law of this country and the principles of international law had been enforced against her. He defied the hon. Gentleman to point to a single instance in which England had given up a legal claim to satisfaction. Every jurist admitted that in a case like that of the Greytown bombardment no compensation could be enforced for the losses sustained. The principle which governed such cases was, that the citizens of foreign States who resided within the arena of war had no right to demand compensation from either of the belligerents, for the losses or injuries they sustained. As an instance of this doctrine he would beg the hon. Gentleman to call to mind the case of Copenhagen and the bombardments of other places.

Mr. DISRAELI: I am not surprised, though the interval since this outrage was committed has been not inconsiderable, that the affair at Greytown has at last been brought to the attention of the House. I think we should have been wanting in our duty to the people whom we represent as well as to that honour which has been appealed to, if such a subject had been permanently passed over in silence. It must be recollected, that shortly after the bombardment of Greytown, this country became involved in a war of almost unsurpassed magnitude and importance, which demanded all its attention and energies, and that may be offered as some reason, if not a sufficient excuse, for our not having before this discussed the question now under our consideration. I think we are much indebted to the noble Lord for having, even at this late moment, recalled to us that we had left a duty unfulfilled, and, if I had any doubt of the great expediency of the Motion of my noble Friend, that doubt would have been removed by the observations which we have heard this evening from the noble Lord the First Minister of the Crown. Those remarks appear to me, to say the least, unsatisfactory and unsound, and, if they indicate the spirit in which our relations with the United States are in future to be managed, I do not think that the prospect is one of which this country has any reason to be proud. The noble Lord has laid down tonight the same exposition of the principles of international law as he gave us during a former discussion, and the learned Attorney General has endeavoured to enforce and establish a view which I cannot help suspecting, from the strong similarity it bears to the observations of the noble Lord, he himself must have inspired. I cannot pretend to contend with the learned Attorney upon a question of international law, but at the same time I may make some remarks which will at least indicate the reasons why I receive with some hesitation the conclusions at which he has arrived. The learned Attorney stated his view of the principles of international law as they are established in Europe, but we have to consider to-night the application of those principles to America. The noble Lord, also, full of the same view, adduced the case of Sebastopol as being similar to the blockade of Greytown. Copenhagen and Sebastopol are, according to the noble Lord, two precedents for this infamous and ineffable outrage. But Copenhagen and Sebastopol were fortified towns. Greytown was not a fortified town. I always thought it was a principle of international law that it was not legal to bombard towns which were not fortified, and where authorities are established who by treaty are bound to have neither military nor naval resources. Under such circumstances I doubt whether it is legal for any other State to make a foray of the description which we have now under consideration. But even if that view cannot be established, are there no other circumstances of difference between the case of Greytown and those of Sebastopol and Copenhagen? Why, Sir, Greytown is under the protection of the English authorities; and I cannot believe that the House will accept for a moment the hair-splitting distinction which the noble Lord made between inert and active protection. But if the law in this case is so clear, as the learned Attorney maintains, how is it that not only Her Majesty's Government but the Governments of other countries took at the origin of these affairs a totally different view of it? Why did they make representations to the Government of the United States, assuming that this was an outrage on the law of nations? If the law was so very clear, every power of obtaining redress was as closed to them then as they say it now is. The learned Attorney General endeavours to defend himself by instancing France. He says, could France, that high spirited nation, which is so prone and proud to interfere under any circumstances in which the rights of her subjects or her own honour are concerned,—could she have been silent if there had been an infraction of international law? But, in the first place, let me observe that France was not the protector of the Mosquito territory, and in the second place that France has interfered; that France has represented this outrage to the Government of the United States, and that France has demanded, and is at this moment demanding, reparation for the outrage. What, then, becomes of the precedents of the learned Attorney General? Now, let us remember that it is exactly three years since the bombardment of Greytown took place. I will not long trespass upon the attention of the House, though I fancy there are few hon. Members present who do not feel that this is a question which demands our earnest sympathy. Three years after this event took place —namely, on the 16th day of February, 1857, through the kindness of Captain Erskine, an officer in command of the British fleet, a memorial, of which I will read a paragraph, was addressed to the Secretary of State (Lord Clarendon). It is written in very temperate language, and, while it shows confidence in Her Majesty's Government, it impresses upon them the necessity of obtaining redress. The memorialists say,—

"May it please your Lordship,—We, the subscribers, British subjects presently resident in Greytown, take the liberty of addressing your Lordship in reference to that disastrous and well-known catastrophe of the 13th of July, 1854, when, in a time of profound peace, and without any provocation whatever on our part, Captain Hollins, of the United States' corvette *Cyane*, after making unavailingly a fictitious claim and utterly unjust demand upon the community of this city to an amount in money, also, which, at the time, it would have been utterly impossible for it to have furnished, proceeded to bombard our homesteads, our warehouses, and shops; and then, not satisfied with the mischief thus wrought us, gave orders to his men to proceed systematically from house to house, from one end of the town to the other, setting them on fire, to the utter destruction of our shelter, our clothing, our furniture, our merchandise, and everything moveable we possessed; and this, too, in the middle of the most inclement month of this climate, when the forest that closely environs this town had become an impassable marsh. The mere statement of so sudden and awful a calamity befalling, under such circumstancs, an entire community; the knowledge that the aged, the women, the children, the sick were, within a quarter of an hour, driven forth shelterless amid the tropical torrents which characterize that month, appears to us to render entirely superfluous and misplaced any attempt to describe, not only the sufferings thus occasioned to the inhabitants, but the atrocity also of those who caused them. We are aware, moreover, that this frightful act has become known throughout Christendom; and that on every occasion on which reference has been made to it in public prints or public addresses, in America as well as in Europe, such reference has unanimously been made in terms of the severest reprobation and the strongest disgust. We should be at a loss, therefore, to conceive why the representations we have formerly been constrained, by the deplorable straits to which most of us have been reduced, to address to your Lordship have hitherto remained fruitless, were it not that we are well aware, not only of the gigantic efforts our country and her allies had to exert to bring the late war to a successful conclusion, but that since that fortunate event affairs, both in Europe and America, have been so situated—international questions of such deep import have arisen for discussion, as to have called for the exercise of the mental energies of your Lordship and all other statesmen in distinguished positions, in a degree almost unprecedented. But now that peace again prevails in Europe, and that a solution of those international questions has happily been attained, the time appears propitious for our again venturing to recall to your Lordship's consideration the afflicting predicament to which we were reduced—and from no fault of ours—by the atrocious act of an officer of the United States, and in which, during the last two years and a half and more, we and our families have remained struggling and almost despairing. It is in this view, your Lordship, that we once more entreat you to take into consideration the great and long-endured hardships of our case, and to procure us such relief and redress as to your Lordship may appear most suitable."

Now, I ask the House whether it is possible under the circumstances that an appeal more temperate and more forbearing could have been made? Conscious of the great events which were occurring in Europe, cognizant of the mighty struggle we were making, and of the necessity which existed that our Government should bend all its energies for the accomplishment of one great end, these unfortunate Englishmen forbore to press their sufferings upon the Government, or, at all events, did not urge the Government to attempt a solution of the difficulty, because they did not desire to add to its embarrassment. But now that peace has returned they naturally ask for some reparation and redress. We are told that the United States' Government, adopting the conduct of their officer, haughtily refused to listen to such an appeal; but I say, let us see upon the table of this House an answer from the United States on the subject. Sir, I have too much confidence in the good qualities of the people of the United States and their Government to believe for a moment that they would adopt without demur the acts of the commander of this corvette. I believe that they do share the feeling which the memorial of the sufferers generously and properly attributes to them—a feeling of disapprobation and disgust, which pervades every part of the United States, as well as this country, with reference to these transactions. Well, after all this forbearance, and after patiently waiting during three years of neglect, what is the answer received by the sufferers from the Secretary of State? I have here the original of the letter which is addressed to Mr. Bell, one of the memorialists—

"Foreign Office, June 3, 1857.

"Sir: I am directed by the Earl of Clarendon to acquaint you, in reply to your letter of the 29th ult., that his Lordship has received and has had under his consideration the memorial which you drew up on the 16th of February last, and which was forwarded to this department by Captain Erskine, of Her Majesty's ship *Orion*, on behalf of British subjects inhabiting Greytown who sustained losses when that port was bombarded by the United States' ship of war *Cyane* in 1854; and I am to state to you that, judging from the answer which the United States' Secretary of State returned on the 26th of February last to a note of the French Minister at Washington, urging similar claims of French subjects for compensation, Lord Clarendon is of opinion that an application to the United States' Government on behalf of British claimants would not at present be of any avail.

"I am, Sir, your most obedient humble servant,

"J. S. Bell, Esq. "E. Hammond."

So it appears that at the end of last February the French Government, which, according to the learned Attorney General, did not interfere on this subject, were at that time urging on the American Government the claims of French subjects to compensation and redress.

The ATTORNEY GENERAL: What I said was that the French Government did not insist on reparation.

Mr. DISRAELI: Did not "insist" on it, but "urged it." Where is the difference? I infer from this letter that the French Government are exercising their influence and are using all the pacific means at their disposal to obtain some redress for the subjects of the Emperor who were among the sufferers at Greytown. I am only asking Her Majesty's Government to do the same. And now let me recall the attention of the House to the character of the despatch I have read. If it be the opinion of the Government that they are justified neither by law nor by policy in interfering in this case for the vindication of English honour and the maintenance of English interests, why not have answered the temperate memorial I have read to the House in a statesmanlike despatch which should have frankly, clearly, and concisely (I had almost added, honourably) expressed the reasons for the course pursued? Nothing of the kind. The Government shelter themselves under the gabardine of the French Ministry and the policy of France, and held themselves excused from exertion because that Government had failed to produce any effect. The despatch contains no denial of the claims of the memorialists. There is nothing on the face of it to show that Her Majesty's Government deem that, however great may be the misfortune of the sufferers at Greytown, their claims are illegal or impolitic. On the contrary, the only inference to be fairly drawn from this despatch is, that the Secretary of State conceives these claims to be such as might be urged and ought to be redressed; but, says he, after the answer given on the 26th of February last by the United States' Secretary to the note of the French Minister at Washington urging similar claims for compensation, I am of opinion that an application on my part would not be at present of any avail. Well, Sir, I say that that is a shabby mode of meeting this question. The memorialists who receive this answer have not the satisfaction of knowing that their case, after all their patience and forbearance, has been examined and considered by the Government of their own country, and that, though sympathy is felt for their losses and regret for the calamities to which they have been subjected, still the stern front of international law prevents redress. If they knew this, they might reconcile themselves to their lot with the conviction that, had not the law been against them, the proud policy of this country would have gained for them ample reparation. But, Sir, I deny the assertion of the Secretary of State, that the subjects of the French Government are in the same position with regard to redress as the English settlers in Greytown. There is a broad distinction between the position of the English and of the French sufferers from the bombardment, and I defy the most adroit diplomatist to persuade the inhabitants of England or of France, whether by speech or by writing, that that position is the same. The protectorate claimed by England over the Mosquito territory renders the difference between the French and English claims one of immense proportions. But, although such a difference exists and is so much in favour of English subjects, it appears from the despatch of the Secretary of State himself that the French Government are at this moment urging the claims of the sufferers belonging to that nation, while the English Government, not coming forward and frankly laying down the grounds upon which they resolve upon non-interference, absolutely refuse to make even a remonstrance to the authorities of the United States, because, forsooth, the French

Minister applied last February and has received an unfavourable answer. I say that in all our annals such an answer was never yet given by an English Secretary of State to English subjects. Sir, notwithstanding the tone of the noble Lord, I do not despair of redress being even yet obtained, at least by the subjects of England. But, now, when the tumult of war has ceased, and the struggle in which we were engaged is over, this question will come to be fairly discussed and whether reparation is accorded upon the application of the English Government, or, as I hope will be the case after reflection, by the generous and spontaneous Motion of the United States' Government, I am convinced it is impossible that such an outrage as this can go unredressed in the nineteenth century, simply because redress is not compatible with the interpretation put upon international law.

Lord JOHN RUSSELL: I rather expected that one of the occupants of the Treasury bench would have got up to answer the speech of the right hon. Gentleman. I certainly do not feel that I can enter upon a complete vindication of the course pursued by Her Majesty's Government, because I do not agree with them upon all the points of this case. I think, however, it is clear that they could not have acted to any good purpose in the way the right hon. Gentleman seems to think they ought to have acted. The bombardment of Greytown was a proceeding which, as I understand, the American Government authorized, and have openly avowed. The right hon. Gentleman seems to think that the American Government would not avow it; but, as far as I recollect the circumstances, that Government, without, perhaps, vindicating every part of his proceedings, have declared that the instructions they gave to their naval officer authorized him to proceed to the bombardment in the event of the satisfaction demanded not being accorded. Well, now, if that is the case, and there seems to be no doubt that it is so, I do not see that Her Majesty's Government could do otherwise than apply, as they did, to the law officers of the Crown, for the purpose of ascertaining what redress could be obtained for British subjects whose property has been destroyed, and who have been, no doubt, cruelly treated in this matter. The law officers of the Crown—the Attorney General, the Solicitor General, and the Queen's Advocate—have, as I am given to understand, expressed their opinion that these belligerent proceedings having been authorized by the American Government, it is not competent for the British Government to demand or obtain satisfaction or reparation for the injuries done to British subjects at the hands of the American Government. As I understand it, they compare it with the bombardment of Copenhagen, which took place in 1807, and they would maintain, no doubt, that if an American citizen, then resident in Denmark, had come to the British Government, and had demanded reparation for the losses which he had sustained, and the damage done to his goods and warehouses at the bombardment of Copenhagen, the British Government would have been fully justified in refusing that reparation. I take it that that is the version of the law of nations, upon the authority of the law officers of the Crown; and I confess I see no reason to doubt its accuracy, or its application; but, that opinion being given, I do not well see how the Government of this country could proceed to make a demand for redress and reparation, because they could hardly do so and accept a total denial of such redress without taking further proceedings; and how would they have been justified in taking further proceedings when they had in their portfolio the opinion of the law officers of the Crown that they were not justified by the law of nations in demand-reparation? If that be the case, a mere representation to the American Government that we expected redress from them, while we were content at the same time to accept a refusal of the application, would hardly have been consistent with the dignity of the Government, and it certainly would not have raised their position in the eyes of America. Such being the state of the case, I think, with regard to the sufferings that these persons represent, and the damages and losses which they have sustained, that the Government can hardly do more than express the opinion which I believe the whole civilized world entertains of that proceeding of the American Government—namely, that their demands were exorbitant and unfounded, and that they proceeded to carry those demands into effect by a cruel and outrageous action. But there is one part of this affair on which I think the Government ought to have demanded some explanation from the United States. It is that which refers to the insult to the British flag, which was hoisted on the house of the Vice Consul.

Let it be admitted, according to the opinion of the law officers, that no pecuniary compensation could be made to those who suffered loss; but here was the Vice Consul, in a State which is nominally under the protection of Great Britain, and with the British flag flying from his house. The American captain might have said that he was ordered to bombard the town, that he could not distinguish one house from another, that the shots could not be so aimed as to spare that particular house, and that the house suffered like the rest in the bombardment. But such cannot be the allegation of the American captain, because, as stated in the memorial which was read by the right hon. Gentleman opposite, after the bombardment—in itself a wanton and cruel proceeding, as I think—the sailors of the American corvette landed, and actually set fire to different parts of the town, and I believe, among others, to the very house of the Vice Consul, from which the British flag was flying. If that be the fact, as I believe it to have been, I think that the Government might have said, "Setting aside the question of pecuniary compensation, which the law of nations will not allow us to demand, we must be satisfied that no insult was intended to the British flag by the proceedings that were taken by the American captain, because there is every appearance of a wanton insult to that flag having been intended." I will not put in any competition with this case the example of China, which has been so often referred to in the course of this discussion, because I hold that, in the case of China, our conduct has been so flagitious, so totally wanting in every regard to justice, that, so far from being a precedent to be followed on any other occasion, I hope that it will be a precedent which the British Government and the British nation will never again adopt. With regard to the Motion of the hon. Baronet the Member for Mallow (Sir D. Norreys) with respect to the mode of discussing the items of the Estimates, I wish to observe, that we have now arrived at a state with regard to the Votes in Supply when I think that it will be incumbent on us to make some change in our rules. I do not think it desirable in a hurried manner, upon the occurrence of a difficulty which may turn out to be temporary, to concur in a Resolutien for altering the rules and orders under which the House has so long acted; but I shall be glad to hear from the Government that they intend in the present Session, to propose the appointment of a Committee to consider the question. I admit that the Votes are better divided now than they were formerly, but still divide the items in a Vote as much as may be, there will always be great difficulties involved in the present system. For example, suppose a Vote of £120,000 to be asked by the Government; one hon. Member proposes to reduce it perhaps to £110,000, and another to reduce it to £100,000; if the Motion for reducing it to £100,000 is carried, there is at once an end to the question of the £110,000. Or suppose that there are ten or twelve items included in one Vote, and one hon. Member proposes to reduce an item by £5,000, while two other hon. Members propose to reduce two other items by £1,000 each, if once the Vote is reduced by the smaller sum it is not competent afterwards to propose the larger reduction, although the Committee may desire possibly to make all the reductions.

SUPPLY—MISCELLANEOUS ESTIMATES.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR DENHAM NORREYS said, that having given notice of a Motion for that evening with respect to the Estimates, he had endeavoured to render himself deaf to all that was passing around him, and to shut his ears to the discussions upon the multifarious topics which had sprung up since the meeting of the House, when the noble Lord (Viscount Palmerston) roused him from the state in which he was by appealing to him to postpone his Motion, He did not wish to become a bore, or to trouble the House with disagreeable propositions, but he believed that the subject of which he had given notice had long attracted the attention of every hon. Member who attended to the proceedings of that House, and that in placing his Motion upon the paper he was pointing out an evil the inconvenience of which was very generally recognized. He was quite ready to leave his Resolution in the hands of the House to adopt it if they thought there was common sense in it, or to reject it if there was not; but if he might be allowed to express an opinion upon his own Motion he should say that it was of more importance to the people of this country, so far as their pockets were concerned, than any Reform Bill that could be introduced. He believed that all their great speeches about retrenchment went for nothing, and that the really practical way in which to introduce economy in the finances was by attacking the Estimates in detail. Probably no official man, nor any man who had been or expected to be in office, would agree to his proposition, but, if it were adopted, the Estimates would henceforward be examined in such a manner as they had never been examined before. Under the present rule one hon. Gentleman started one hare, and twenty other hon. Gentlemen started twenty other different hares, and the result was that hon. Members' minds became so thoroughly confused that not a single hare was run down. Every job and every extravagance which a Government proposed was sure to pass because the Committee had not by its own forms the power of deciding on each item of a Vote. If each item were separately considered and separately decided, the Estimates would be very different to what they were now. He respected the ancient forms of proceeding, but those in respect to Votes in Supply were no longer applicable to the times. He should very much prefer that the matter should be referred to a Committee, but he would propose his Resolution and leave the House to deal with it as it thought fit. The hon. Gentleman concluded by moving that it be an instruction to the Chairman in Committee of Supply that if a Member raises a discussion on any item of the Estimates, by proposing that it be omitted or modified, the Chairman shall confine the discussion to that item until it shall have been disposed of by the House, and that the Question shall be put to the House on the item under discussion separately and apart from the other items comprising the total amount to be voted.

MR. W. WILLIAMS seconded the Motion.

MR. SPEAKER: I ought to point out to the hon. Baronet that the only mode in which he can put his Motion is in the form of an Amendment on the Motion that I do now leave the Chair. That is the Motion at present before the House, and no other Motion can be now made except as an Amendment to that Question. It will be necessary, too, for the hon. Baronet to make a change in the wording of his Resolution before I can with propriety put it, because the instruction ought to be to the Committee, and not to the Chairman.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "it be an Instruction to the Committee, That if a Member raises a discussion on any item of the Estimates, by proposing that it be omitted or modified, the Chairman shall confine the discussion to that item, until it shall have been disposed of by the Committee; and that the Question shall be put to the Committee on the item under discussion separately and apart from the other items comprising the total amount to be voted," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. HENLEY said, he agreed with the noble Lord the Member for London and the noble Lord at the head of the Government, in thinking that it would be well that this subject should be referred to a Committee, but if the Motion were now persisted in it would be necessary to give an opinion on the subject at once. An idea seemed to have suddenly struck a great many hon. Gentlemen, from the proceedings of Friday night, that the rules of the House needed amendment, so that it might be possible for hon. Members to vote in two lobbies at one time. The confusion consequent upon discussing two or three questions at one time arose, not so much from the form of proceedings in the House of Commons, as from the desire of the Government to submit the Estimates in detail, and to give every information which hon. Members might desire in reference to them. If the hon. Baronet's proposition were adopted he was afraid it would only make confusion worse confounded. Supposing an Estimate of fifty items were under discussion, the first question to be put would be, "That a sum not exceeding —whatever the amount might be—be granted to Her Majesty." An hon. Member might take exception to the last item, say, of the fifty; if the discussion was to turn and the votes to be taken on that item, as the hon. Baronet proposed, the first step would be to withdraw the original question by leave, and to put the item objected to as the main question. After that was disposed of the original question would again have to be put, when some other hon. Member might drop down upon some other item, and the same process would have to be gone through, and so on throughout all the fifty items of the Estimate. The true remedy was in the hands of the Government. They had not these difficulties heretofore, because the items were kept more together, if he might use such a phrase, and he could not help expressing his opinion, that with respect to a Vote containing a number of small items, if the House were to attempt to give a separate decision on each of those different items, it would not be able to exercise economy in reference to them so effectually as the Government could who had considered them. He did not think it right to allow the Minister to shelter himself under the authority of that House in respect to every one of these little details, for he would have no difficulty in making out a case for each, which the House could not resist, as the House would not know anything about the items but what he chose to tell them. Such a course of proceeding, so far from leading to a beneficial result, would have quite a contrary tendency. If the Government thought fit to have the matter inquired into by a Committee, he (Mr. Henley) was not inclined to object to that proceeding; but, as the existing forms had lasted so long, he had a strong opinion that it would be difficult to alter them with advantage to the public.

The CHANCELLOR of the EXCHEQUER said, that the right hon. Gentleman who had just spoken had on the whole taken so sound a view of the matter that he should have had but little disposition to add anything to his statement, had he not thought that it might be expected that something would be said on the part of the Government. According to the 206th section of the printed Rules and Forms of Proceeding of the House it was settled that where there arose a question between a greater and lesser sum, or a shorter or longer time, the least sum and the longest time were first to be put to the question; and that was stated to be an ancient order observed in November, 1675. Consequently, that rule had the merit of prescription on its side, and had stood the test of long experience. That was a point deserving consideration before an alteration was hastily adopted; and he recollected it to have been remarked by the late Speaker, than whom no one could speak with greater authority on such matters, that the more he considered the rules of procedure in that House the more he was convinced that they were founded on good sense. He would, therefore, strongly advise the House not, without good and solid reasons, to alter the present simple rule. He was willing to admit that when that rule was first introduced, and for very many years afterwards, the forms of the Votes were much simpler than at present. Some years ago the Votes proposed in the Estimates simply stated certain services with scarcely any detail, and, whenever detail was required it was furnished by some member of the Government, who orally, and while a Vote was under discussion, furnished the requisite explanations to satisfy the House of its propriety; but in consequence of the repeated demands of the House, and particularly of the Committees on the Estimates which sat in 1848, the Estimates were now really loaded with an amount of details which almost defeated the purpose which that detailed information was sought for, and prevented hon. Members from reading and studying the Estimates to the extent to which they might attend to them if less information were given. He doubted, without meaning improperly to remark on the industry of hon. Members, whether they all took the trouble to go in detail through the immense quantity of matter in small print now submitted to them. If hon. Members looked to the Army and Navy Estimates of the present year they would see under the head of Public Works and Fortifications a great succession of items, many of them of considerable importance, and if they had been inclined to deal with them in the same manner as the Civil Service Estimates had been dealt with the other night, they would have met with precisely the same embarrassment. If the Committee of Supply really undertook to go through the Estimates on the plan according to which a Bill was considered in Committee, and if the Estimates were to be read line by line, and each item put separately, he really did not know how many nights would be required for Supply in the course of the Session. The hon. Baronet who moved the Amendment had said that no person in office, or who desired to be in office, would ever assent to it; but he assured the hon. Baronet that no official Member had any wish to promote any rule of procedure other than that which should create the greatest clearness in the Committee of Supply, and enable the question to be put with the least confusion. He, however, entirely agreed in what the right hon. Gentleman (Mr. Henley) with his usual shrewdness, had remarked, that the course now suggested would not tend to substantial economy. A vast deal of time would be consumed in discussing minute items of expenditure while the practical result, undoubtedly would be that the responsibility of the Government would be diminished, and the House by attempting to go through a mass of details, would really limit the control it otherwise exercised. He thought the more convenient and advantageous course would be to throw the responsibility of the details of expenditure on the executive, and to leave the decison of great and important principles of expenditure to the House. Let not the hon. Baronet suppose that the mode of proceeding suggested by him would increase the trouble of the Executive Government. Their trouble consisted in making the Estimates and studying them, but not in explaining them, since they were in possession of all the facts. If the House should on consideration find that the present rule was insufficient there would be no difficulty on the part of the Government to agree to the appointment of a Select Committee whenever it should be thought fit to appoint such Committee. He should not have the smallest objection to that course, but he had considerable doubt whether the present rule would not be found sufficient. When there were several items in a Vote the question was put upon the total Vote, and if single items were objected to it would be easy for hon. Gentlemen to state their different objections and add the several items objected to together ["Oh, oh!"] He was only stating the course actually adopted, and such cases would not occur frequently. If that course should be found unsatisfactory the House would have to consider whether some other course of procedure should be adopted, such as that sketched out by the hon. Baronet; but as far as the Government were concerned, they had no objection to the appointment of a Committee and to the substitution of any simple rule for the existing one. Unquestionably they had the strongest wish and interest for the promotion of that course of procedure which tended to the greatest clearness, and was most calculated to obviate confusion in the discussion of the different Votes.

Mr. CROSSLEY said, he believed that it was true that more detailed information was now given than formerly with respect to items in the Votes of Supply, but it amounted to nothing more than waste paper if, when it was laid before the House, hon. Members could not object to separate items. It was quite impossible to follow the advice of the Chancellor of the Exchequer, that hon. Members objecting to different items, should add the sums together, and then move that the total amount be deducted from the Vote proposed, because with respect to those several items some hon. Members might concur in a portion, objecting only to one or two, and therefore they could not possibly amalgamate their objection with the objections of others. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley), thought matters went on very well because they had never met with a difficulty before, but the reason of that was that the Government was always too strong for them, and able to push the Votes through; but when they became too strong for the Government they might be able to strike out from the Estimates items that ought not to be there. As the Government did not seem to object to the appointment of a Committee, the best course for the hon. Member for Mallow to pursue would be to withdraw his Motion and leave the matter in the hands of Government.

Mr. DISRAELI said, it seemed to be the general opinion, that if the forms of the House were to be considered at all, they had better be considered by a Select Committee than in the House itself. He had been a member several times of Committees appointed to confer on subjects like these, and he knew that after that process very different results were obtained from what could have been arrived at in the heat of debate in that House. The hon. Gentleman who had just sat down, based his argument on a ground that rather astonished him. He said, the difficulty now complained of never occurred before, because we had always strong Governments to deal with. Now, he had always thought, till now, that the general subject of congratulation was, that we had a strong Government, and he certainly had expected that the new Parliament would have given the noble Lord a trial for at least one Session. His opinion was, that the more they altered the forms of the House in respect to matters like these, the more they were increasing the power of the Members of the House and proportionally diminishing the responsibility of Ministers, and this was a course to which he could not give his approbation. He knew that no Motion was more popular than to move, that the Estimates should be referred to a Select Committee. Now, to refer the Estimates to a Select Committee was, in effect, saying to the Ministers that they should not exercise their intellect or incur any responsibility in reference to these Estimates. Under our Parliamentary constitution the Ministers of the Crown were the Select Committee of the House of Commons, and those who would refer such questions to a Select Committee were only endeavouring to take the work out of the hands of the Government. With regard to the Estimates, a very great change had taken place within the last two or three years in the form of drawing them up. There was the appearance of a great deal more information being imparted to the House of Commons, and the House accepted that as an evidence of its increased authority. Now, he thought the House should view that information with considerable suspicion. In old days a Vote was asked, say, for £100,000 for palaces; the Minister who proposed the Vote was supposed to be master of his subject. He explained it, if necessary; and the House, if satisfied, granted the £100,000 on his responsibility. If any details required explanation, he could be reckoned upon in his place to give it. He was prepared with a statement on the subject of the Estimate; and the Committee, after hearing his statement, with the advantage of cross-examination, were able to form an opinion; and if they were satisfied that his general and aggregate Estimate ought to be sustained, then they passed it. Now the fault of the present system was, that they had in one Vote too many items. It was perfectly absurd to fill up the Vote with the details of every miserable item, as if the Ministers could not, for example, be charged without the interference of the House with the responsibility of a water-closet. But, under the present system, the matter might become serious as regarded the public business. Any four men might, by the forms of the House, bring its business to a close. Any four men could, by the forms of the House, make a dissolution of Parliament absolutely necessary. And if there was not sufficient good sense in the country to insure that these four men would never be returned again, they might soon have such a dissolution of Parliament brought upon them. Why, they might destroy the British constitution at any time. Suppose they were to lay down, as one of the great principles of the Parliamentary constitution, that they should go into the minute details of every Vote. Every one would, of course, be entitled to require an explanation of the most minute particulars, and in such a case he wanted to know how business was to be carried on. The Minister who ought to be responsible, required a certain amount to maintain Her Majesty's palaces, and if he was a Minister who deserved their confidence—and his position implied that he did—they must suppose that he would not propose a sum for that purpose without making himself master of the business. With him, then, ought to rest the responsibility; but, if the Members of that House were to analyze the Estimate in detail, they would introduce into public business and into the conduct of the affairs of this great nation principles which they did not adopt in the management of their own establishments, and which, if they did, they would get no servant to carry out, or, at the best, such a servant as would not be worth keeping in any establishment.

SIR HENRY WILLOUGHBY said, he wished to ask, how it was possible for the House to deal satisfactorily with thirty or forty different items, all lumped together in one Vote. Within the last few years, a sum of £9,882,000 had been taken as one Vote, and in a Vote of this year (No. 12) thirty-four different items had been lumped together. The consequence of such a system was, that they could only address themselves effectively to some one leading topic, while numerous other objectionable matters escaped notice. The first thing to be done was, to have well-devised and well-considered Estimates, and have the items so classified, that discussion could take place on any item with something like effect. It was impossible in a House of 654 Members to discuss any small matter, but if the Votes were properly classified, the opinions of the House could be brought to bear upon any great particular grievance. He hoped some practical result would flow from this debate. The great difficulty they had to remove was, that after the first objection to a Vote, all other hon. Members were shut out from objecting. He hoped the Government would consent to the appointment of a Select Committee to consider the subject.

MR. ROEBUCK said, it appeared to him that the difficulty which was complained of, might be removed by a very simple process. Under the present system the Government proposed a Vote — say, of £39,691, that Vote being composed of a large number of items. He would suppose that four of those items were objected to by different Members. If, upon a division the reduction proposed by one of these hon. Members was carried, no further reduction of the Vote could take place. That appeared to him—and, he believed, to every hon. Member of the House—a most unwise arrangement, because a Vote might contain 100 or 200 items, and he thought an opportunity ought to be given to hon. Members to object to every item which they deemed exceptionable. He was aware that the objection to increase the power of the House in this matter would have the effect of diminishing the responsibility of the Ministry was a favourite objection; but he must say, that he regarded with a good deal of suspicion the disinclination which existed to afford too much information to the House. He knew that Ministers, and those who expected to be Ministers, were not anxious to afford such information; but, as the great majority of Members of that House never expected to be Ministers, and only sought to promote the interests of their constituents, he would advise them to require the fullest information with regard to every item of expenditure. He thought that the best course would be, that the Chairman of the Committee of Supply should begin by announcing the total amount of a Vote—say, £39,691—and should then proceed to read the items which constituted the Vote. The first item, for instance, might be "Buckingham Palace, £2,450." Well, nobody took any objection to that. Then the Chairman passed to the next item, which was not opposed; but when he came to the third item an objection was raised. He (Mr. Roebuck) thought all the items which had been read without objection should be taken as passed; but that when exception was taken to a particular item, a division, if it were called for, should take place upon that item. He recollected that when an alteration in the mode of taking divisions was suggested, and it was proposed to take down the names of hon. Members, it was objected that the change would only tend to waste the time of the House, but he would put it to the hon. Members who were acquainted with the old system whether that had been the result. He believed that if his suggestion were adopted, the Estimates would be passed very rapidly. Under the present system, scenes of contention occasionally occurred which were disgraceful to the House. Why, only on Friday they were engaged in discussion from five o'clock in the afternoon until one o'clock in the morning without passing a single Vote, and the Estimates were now precisely in the same position in which they were when that debate commenced. In his opinion, if an objection was raised to a particular item in a Vote, a division should be taken, and the Committee should then proceed to consider the subsequent items. This would ensure a discussion pertinent and consecutive, and they would not then have to complain of every one starting a hare and nobody catching it. He believed that if a Select Committee, consisting of experienced Members, were appointed to consider this question, they would speedily arrive at a satisfactory conclusion.

Lord ROBERT GROSVENOR suggested, that if a Select Committee was to be appointed, it was an unnecessary waste of the time of the House to proceed with this discussion. He, therefore, would advise the hon. Member to withdraw his Motion.

Sir DENHAM NORREYS said, if the Government were prepared to state that they would appoint a fairly selected Committee, to consider in what manner the Estimates could be most conveniently discussed, he would withdraw his Amendment.

Viscount PALMERSTON observed that, as it seemed to be the wish of the majority of the House that a Select Committee should be appointed to consider, whether any and what alteration could be made in Parliamentary forms, with the view of expediting proceedings in Committee of the whole House, he was prepared to state that he would move for the appointment of such a Committee.

Amendment, by leave, *withdrawn.*

Mr. STAFFORD wished to ask the First Commissioner of Works, whether the Estimates of his Department were submitted to an audit, and if not, whether it was intended to submit them to the same audit as the Army and Navy Estimates?

Sir BENJAMIN HALL said, in reply to a question from Mr. Stafford, that the accounts of the Board of Works were regularly audited; the mode of keeping those accounts would probably be brought under the consideration of the Committee on public moneys, and that when the report of that Committee was presented, the accounts of the Board would be made out in a different form from that in which they were now prepared under the provisions of an Act of Parliament. He was glad to have the opportunity of stating that those accounts were now subject to audit, under the provisions of the 14 & 15 *Vict.*

Main Question put, and *agreed to.*

House in Committee; Mr. FITZROY in the Chair.

(1.) Motion made, and Question proposed, "That a sum, not exceeding £39,691, be granted to Her Majesty, for the maintenance and repair of the Royal Palaces for one year, from the 1st day of April 1857 to the 31st day of March 1858."

SIR JOHN TRELAWNY said, he should divide the Committee on the item of £4,500 for the erection of a residence for the Royal Equerry, unless he received some satisfactory explanation of the necessity for such a building.

SIR BENJAMIN HALL said, that before he inserted this item in the Estimates he visited the Royal Mews, and satisfied himself that the proposed changes were necessary.

MR. ROEBUCK observed that this item included a charge for "a schoolroom for the children of Her Majesty's servants." He considered the promotion of education a very praiseworthy object, but he did not wish to see education promoted by these means. The House of Commons did not provide a place of education for its servants, why, then, should there be a school for those of the Queen? He thought the whole item ought to be struck out. It was—

> "For the erection of a residence for the Crown Equerry, including a waiting-room, porter's-room, and store-rooms, and for the appropriation of the present residence of the equerry as apartments for the second clerk, and for an office and waiting-room for the Master of the Horse; for the removal of the third clerk from the rooms he at present occupies in the east wing to the apartments to be vacated by the second clerk; and for adapting the rooms of the third clerk as a schoolroom for the children of Her Majesty's servants, and as a residence for the schoolmistress, also for new carriage and foot gates to the principal entrance."

If the public money were to be spent in that way, the sooner the House of Commons ceased to call itself the guardian of the public purse the better. He really thought the Government should have been ashamed to submit such items to the House.

SIR JOHN TRELAWNY asked why St. James's Palace could not be adapted for public offices? Buckingham Palace ought to be sufficient for court purposes, and St. James's would make a very good War Office.

MR. BRISCOE thought the Vote for filling up the spot of ground at Pimlico was most reasonable, and with regard to the item for the erection of a schoolroom he should most cordially concur in supporting it, believing it to be a most praiseworthy application of money.

MR. W. WILLIAMS said, he thought that the Committee ought not to pass such Estimates. The question was, not whether the amount was large or small, but whether the Vote was right or wrong. It was very right for Her Majesty to erect a school for these children, but then the public ought not to be called on to pay it. He found, also, that it was proposed that there should be expended on the repairs of those portions of St. James's Palace, occupied by Her Royal Highness the Duchess of Cambridge and His Royal Highness the Duke of Cambridge, a sum of £2,689. But it seemed to him that if residences were provided for those Royal personages they ought themselves to defray the cost of keeping them in proper condition; at any rate, he should like to reduce that item by half. He had also to object to the proposed outlay of £6,218 on Hampton Court Palace. It appeared that during the last ten years there had been expended on that building not less than £70,000. That was, he maintained, an extravagant outlay; and in page 14 he found another Vote, Hampton Court Park. The different items were so scattered about that it was almost impossible to tell what any one building really cost. Hampton Court Park was put down at £961. The pleasure grounds of Longford River, £2,525, and the roads £833, making together over £4,000; and during the last ten years these items had amounted to £40,000 or £50,000. Let it be remembered, too, that Hampton Court Palace was never used by Her Majesty, but was occupied principally by indigent members of the aristocracy. He might be told that apartments had been provided there for the widows of two distinguished officers who had fallen on the field of battle; but he would venture to say that if the proper inquiry were made it would be found that worse accommodation was given to those ladies than to other persons who had no similar claims on the gratitude of the country. He did not complain that a provision had been made for those two widows, but he thought it would be better if it were furnished in the shape of an annuity. It appeared that there was a stud at Hampton Court, for in page 4 there was a Vote on account of it, and that young horses from that stud were annually sold. He wished to know to whom the proceeds of those sales went? And he would also ask what Members of the Royal Family occupied Bushy Park and Frogmore House and grounds, for the maintenance of which a sum of over £2,000 was set down in these Estimates?

Sir BENJAMIN HALL replied, that Bushy Park was unoccupied, and Frogmore House was occupied by the Duchess of Kent. He had stated on a previous evening, in reference to the Vote for Hampton Court paddocks, that the young stock which were sold last week were the property of Her Majesty, who of course received the proceeds; and at the same time he explained that none of the stock had been bred in the paddocks for which the Vote was asked.

Mr. W. WILLIAMS said, he did not wish to withdraw at once the whole amount for the Royal Palaces, but there were several which were not occupied by any Members of the Royal Family. He must also beg again to express his disapproval of the Vote for the repairs of those portions of St. James's Palace occupied by their Royal Highnesses the Duke and Duchess of Cambridge. He also objected to the charge for Kensington Palace, which was at present, he believed, occupied by no person except the Duchess of Inverness. He wished to see the Votes for St. James's Palace, Kensington Palace, and Hampton Court, reduced by one-half; and in order to obtain that object, he moved that the Vote should be reduced by a sum of £4,926, so that it should stand at £34,765 instead of £39,691.

Motion made, and Question proposed, "That a sum, not exceeding £34,765, be granted to Her Majesty, for the maintenance and repair of the Royal Palaces for one year, from the 1st day of April 1857 to the 31st day of March 1858."

Sir BENJAMIN HALL said, he understood the hon. Member for Lambeth to say that he would allow one-half of the sum for the repair of the Royal palaces to be voted that evening. What would be the consequence? They would be able to effect one-half of the repairs, and next year or the year after they would have to vote an additional sum for the purpose of making at a higher cost those repairs which, if taken in time, might be done for a moderate sum. He could assure the hon. Gentleman that these Estimates had not been inserted in the Votes without the most careful consideration. He had attended to most of them himself, so far as he could do so. The hon. Member for Lambeth always let fly, especially at Hampton Court Palace, saying that the people took no interest in it. He wished that the hon. Gentleman would go down some Sunday, and see the number of people that flocked thither. A few Sundays ago between 13,000 and 14,000 persons passed through the apartments of Hampton Court Palace, thoroughly enjoying themselves. What would the people say to the House if they allowed the palace to fall into decay? He had therefore felt it his duty to produce these Estimates for the purpose of keeping in repair that structure, which was one of the decorations—if he might use the expression—of this country. Let him call the attention of the Committee to the manner in which the apartments of Hampton Court Palace were appropriated by the Queen. Formerly the Lord Chamberlain had the appropriation of the apartments, and it was charged against him that he divided them among his friends and relations. All that had been changed. The Queen had now taken them under her own supervision, and nothing could be more admirable than the way in which Her Majesty had appropriated them to the widows of men who had distinguished themselves in the wars of the country. [Mr. W. Williams: Who are they?] He might mention the names of Shadforth, of Boxer, of Strangways, of Cureton, and of many other distinguished officers, whose widows had been accommodated with apartments in Hampton Court Palace. It was now proposed to keep that and other palaces in order, so that they might not get worse than they were; and he would venture to say that if they had been put in a proper state of repair in time, they would have been much less expensive than the Committee now found them to be.

Mr. BIGGS said, that the population of 70,000 which he represented was for true economy, but not parsimony. These debates were, to a great extent, time wasted, and he was sure that a great majority of hon. Members would agree with the poet that they are—

"Petty quarrels about petty things."

Lord JOHN MANNERS observed that the hon. Member for Lambeth had blamed the Government for having distributed the Votes under so many different heads; but it was not too much to say that when he sat down the Committee had not the faintest conception what Vote he was speaking about, or to what palaces or buildings his remarks were applied. He hoped that the hon. Gentleman would not act in the same way in future, but would remember the difficulty in which the Committee was placed when Votes were placed before it in such a way as to render systematic or regular discussion altogether impossible. The hon. Member, to whom the Chief Commissioner had given an admirable answer, so far as any answer could be given, seemed to propose either to make those palaces which were not in the personal occupation of Her Majesty perfectly useless by allowing nobody to inhabit them, or to permit them to fall into decay, and become a perpetual monument of his absurd economy. The Committee would act far more wisely if it followed the advice of the hon. Member for Leicester (Mr. Biggs), and discussed all these questions with a view to true economy. Wholesale reductions of Votes indicated no principle, and could lead to no result except to enable hon. Members who had not the courage to face real extravagance to say to their constituents, "See what bold fellows we are! In a Committee of the whole House of Commons, and in opposition to Government, we proposed to cut down one-half of the Votes for the Royal palaces."

Mr. DILLWYN hoped the hon. Member for Lambeth would withdraw his Amendment, and allow the Committee to discuss the proposition of the hon. Member for Tavistock (Sir J. Trelawny) with respect to the Crown equerries. The Royal palaces ought either to be kept up in a proper manner or not at all. It was of no manner of use to keep nibbling at the Votes in this way.

Mr. PIGOTT could not agree with the noble Lord the Member for Leicestershire (Lord J. Manners) that the observations of the hon. Member for Lambeth were either unnecessary or ill-timed. They had, at all events, effected one good object, for they had drawn forth some excellent advice from the noble Lord, and a very satisfactory explanation from the Chief Commissioner. He believed that the discussion of these Votes was both necessary and useful.

Sir JOHN TROLLOPE observed that the noble Lord the Member for Leicestershire had not deprecated the discussion of these estimates, but had simply found fault with the mode in which they had been dealt with by the hon. Member for Lambeth as being based on no intelligible principle. He must say, for his own part, that the hon. Gentleman was so confused, so little to the purpose, and so rapid in his transitions from one portion of the Votes to another, that he found it impossible to follow him through his statement. There could be no doubt that Hampton Court Palace afforded immense gratification to the hard-worked, middle, and lower classes of this great metropolis; and if anything could lessen his regret at knowing that they flocked thither in large numbers on Sunday, which was the last day that ought to be devoted to such a purpose, it would be the fact that they spent their time there in a reasonable and happy manner. He hoped the Committee would maintain the Vote in its integrity. The hon. Member for Lambeth proposed to reduce it by a round sum, but he stated no reason why the Committee should lop off that particular amount.

Mr. AYRTON said, that he agreed that the House ought to express its opinion upon some principle with regard to these Votes, and not upon the pounds, shillings, and pence alone involved. A very important question might be raised on the present Vote. A large sum had been spent by the nation in providing a splendid palace for the Sovereign, and if Buckingham Palace were not everything that could be wished, it was not because the House of Commons had voted the money wanted with a grudging hand. The question to which he referred was, what ought to become of the old palaces which the Sovereign had vacated? He contended that they ought to be surrendered to the country, in order that they might be made available for national purposes. The proper mode of carrying out this principle would be by disallowing all the money proposed to be voted for St. James's Palace, and thus declaring that the House would not recognize the keeping up of St. James's Palace for the Sovereign. He had not had time to consider this matter maturely, but upon a future occasion he would not allow the Vote to pass without raising the question. He therefore gave the Government twelve month's notice to quit St. James's Palace.

Mr. W. WILLIAMS said, he knew the alacrity with which the House voted away the public money. Was it necessary for the maintenance of Hampton Court Palace and grounds to expend every year £12,000 upon it? Still he was not for doing away with Hampton Court. He would beg to withdraw his Motion.

Motion by leave *withdrawn*.

Original Question again proposed.

Sir JOHN SHELLEY said, he must protest against the imputation which his hon. Friend (Mr. W. Williams) was always ready to cast upon those who differed with him,—that they voted away the public money with alacrity. He was just as ready as his hon. Friend to be economical, but he hoped he showed more common sense in his economy than his hon. Friend. If his hon. Friend declared that those who lived in these palaces, and paid no rent for them, ought to keep them in repair, that would be a definite proposition; but to come down, as his hon. Friend did, and detain the House for an hour on a Motion to withdraw half a Vote, so that the palace might be half painted and half cleansed, passed his comprehension. That was about as sensible as for his hon. Friend to come home from a public meeting with his face dusty and dirty, and to wash one side of his face to-day and the other half to-morrow.

Mr. ROEBUCK said, in page 2 of the Estimates it was stated that the sum voted on account last Session was deducted at the head of each estimate; but, it appeared to him that the sum of £39,961, now asked for, was the total expenditure for the year. He wished to know what had become of the sum voted on account.

Mr. WILSON explained that last Session a Vote of £60,000 had been taken on account of the sum of £196,000, required for royal palaces and public buildings. The estimates for these purposes were now divided under three separate heads; the full amount was asked on each of the two first, and credit for the whole amount of £60,000 would be found under the third head, at page 5.

In answer to a question from Sir H. Willoughby,

Mr. WILSON explained that the Return for 1856 placed in the margin of these Estimates, showed the amount that had actually been expended in the twelve months ending September last. The present Estimates gave the sum which it was considered would be required for the various objects during the present year, but from the nature of these objects the money was not always expended during the year, as the objects could not be carried out in a given time. That was a distinction between the Civil Service Estimates and those voted for the army and navy, the amount voted for which was always expended during the year.

The Chairman was about to put the question, when

Mr. DILLWYN said, that the hon. Baronet (Sir J. Trelawny) had not withdrawn his Amendment.

Mr. CHAIRMAN said, he had received only one Amendment.

Mr. DILLWYN said, that in that case he would move that the Vote be reduced by £4,500, the item for the alterations in the equerries' house.

Motion made, and Question, "That a sum, not exceeding £35,191, be granted to Her Majesty, for the maintenance and repair of the Royal Palaces for one year, from the 1st day of April 1857 to the 31st day of March 1858," put, and *negatived*.

Original Question put, and *agreed to*.

(2.) Motion made, and Question proposed, "That a sum, not exceeding £60,386, be granted to Her Majesty, to complete the sum necessary for maintenance and repair of Public Buildings, for providing the necessary supply of Water for the same, for Rents of Houses for the temporary accommodation of Public Departments and charges attendant thereon, for one year, from the 1st day of April 1857 to the 31st day of March 1858."

Sir JOHN TRELAWNY said, he wished to call the attention of the Committee to the fact that the British Museum was not opened in the evenings, by which working men after the cessation of the day's labour were precluded from visiting it. At present the privilege of seeing the Museum might be said to be exclusively enjoyed by the higher and middle classes only, and he could not see why an arrangement might not be made for admitting the humbler classes in the evening.

The CHANCELLOR of the EXCHEQUER reminded the hon. Baronet that the British Museum was under the management of the Board of Trustees, and that the proper time for raising the question which he had just brought under consideration would be when the separate Vote for the Museum was proposed. He might state that the suggestion of the hon. Baronet was a matter which had been much discussed at different times by the Trustees of the Museum. It also became a question with the Trustees whether the reading-room should be open at nights. The objection to lights in the reading-room in the evenings was considerable, and, notwithstanding the earnest wish of the Trustees to make the Museum as extensively available as possible, they had come to the conclusion that, charged as they were with the public duty of guarding so valuable a collection of books and manuscripts, they would not be justified in opening the reading-room at nights. They were fortified in that conclusion by the fact that their present practice of only opening the Museum and reading-room in the daytime was in unison with that adopted in similar institutions on the Continent.

SIR JOHN TRELAWNY said, the difficulty might be got over by opening the Museum on Sundays. ("No, no!") Some hon. Members might differ with him on that point, but Hampton Court Palace and Kew Gardens were open on Sundays, and no one ventured to say that any harm had ensued from that practice. He did not see why after, or between, the hours of divine service on Sundays the Museum might not be opened to the public. He knew that the result of such an arrangement would be that thousands of the working classes would gladly avail themselves of seeing the antiquities and works of art collected within the building, instead of spending their leisure on Sundays in public-houses. He had another suggestion to make, and that was that the ugly screen in front of Burlington House might be taken down with advantage to the public and to the appearance of the building itself.

SIR BENJAMIN HALL said, he could not suppose the hon. Baronet had been inside the courtyard of Burlington House, otherwise he would have been convinced that if the wall or screen were taken down the public would see very little more worth looking at than they now saw through the centre gates, for, except the house itself, a great part of the courtyard only communicated with stables and back premises which were not very agreeable objects to look at.

LORD JOHN MANNERS said, there was a considerable Vote taken for furnishing accommodation to certain learned societies in Burlington House, but he had always understood that the occupation there of those societies was only to be a temporary one; and he should wish to hear from some Member of the Government what was to be the ultimate destination of Burlington House.

MR. WILSON said, no decision had been come to by the Government as to the permanent occupation of Burlington House, but certainly the want of room felt in Somerset House occasioned by the necessity of providing offices for the collection of the succession duty and for other public departments rendered it necessary that they should make arrangements for the removal of the learned societies in question from the premises where they had been located for so many years, and providing other accommodation for them elsewhere. They had consequently been transferred to Burlington House, which they were to occupy for a time. He believed, however, the present arrangement in respect of those societies was a convenient and economical one.

SIR JOHN TROLLOPE wished to know whether there had been a specific agreement with those learned societies that apartments were to be found for them in any of the public buildings. Undoubtedly, office room was wanted for the Department of the Succession-Duty, but he had never understood it to be necessary that if those learned societies, some of whom were wealthy bodies, were removed from Burlington House, the Government were to provide lodgings for them elsewhere. The time had come, he thought, when they should be called on to furnish accommodation for themselves. He did not agree with the right hon. Baronet (Sir B. Hall) that there would be no public advantage in taking down the wall in front of Burlington House. On the contrary, as a matter of taste, he submitted it ought to be taken down, and that if the view of the house were thrown open to the public they might expect to get something for their money. But at present the public only knew that certain learned societies had lodgings in Burlington House.

SIR BENJAMIN HALL said, he should be very glad that the public should be enabled to see all that was worth looking at in Burlington House. It appeared to him, however, that with the exception of the view of the building which was to be obtained from the central gateway, it would present no feature of particular interest, unless the stables which were behind the walls at each side of the gateway were taken down, and in order to accomplish that the Committee must be prepared to vote an additional sum of money.

LORD JOHN RUSSELL said, the statement to the effect that when Burlington House was first purchased no agreement had been entered into to give it up to the learned societies was perfectly correct. It was, however, a very natural arrangement to make, that as those societies had been deprived of the rooms which, owing to the beneficence of King George III., had been allotted to them at Somerset House, apartments at Burlington House should be placed at their disposal. He should be sorry, however, to find that the temporary occupation of those apartments should be converted into a permanent title to their possession. If Burlington House were to be allowed to remain as it at present stood, he thought an iron railing in front might with great advantage be constructed, but he was at the same time of opinion that the whole plan in connection with it might be reconsidered, with the view of turning the three acres which composed its site to the best possible account.

Mr. WILSON observed, that the learned societies in question were entitled to the possession of rooms by royal grant, and therefore that, upon their removal from Somerset House, it became necessary to procure apartments for them elsewhere. They had consequently been located in Burlington House, but only upon the distinct understanding that they should leave it the moment the Government might deem it expedient to turn its site to some other use.

Viscount GODERICH said, that the Royal Society was the only Society which had been removed from Somerset House to Burlington House. The Linnæan Society had removed, at a great expense to themselves, from their house in Soho Square, and he should maintain that that Society ought not to be turned out of its present quarters, unless the Government were prepared to make some compensation for the outlay to which he had referred.

Sir CHARLES NAPIER objected to the item for the buildings for the War Department, which were dispersed over various streets. He could not understand why the War Department should be spread over so many offices. There was a house next door to the Ordnance Office which might be advantageously added to the buildings of the War Department. The same offices appeared to be charged twice. They were found in two items.

Sir BENJAMIN HALL said one item was for rent, and the other for repairs.

Mr. SPOONER said, he observed an item for the expenses attendant on the bringing of these learned bodies into Burlington House. He had no doubt, however, that when the time came for their removal, the country would be called upon to pay the cost of getting them out; he should move as an Amendment, therefore, that the sum of £4,725, which the Committee was asked to grant for the purpose of converting the buildings of the west wing of Burlington House into lecture and examination rooms for scientific societies be deducted from the Vote.

Motion made, and Question proposed, "That a sum, not exceeding £55,661, be granted to Her Majesty, to complete the sum necessary for maintenance and repair of Public Buildings, for providing the necessary supply of Water for the same, for Rents of Houses for the temporary accommodation of Public Departments and charges attendant thereon, for one year, from the 1st day of April 1857 to the 31st day of March 1858."

Mr. TITE said, that the Royal Society, the Geographical Society, and the Antiquarian Society, were formerly located in Somerset House, and they were asked by the Government to go to Burlington House. The Antiquarian and Geological Societies declined; the Royal Society, and the Linnæan and Chemical Societies went there, and this charge was for the improving and decorating the hall for their meetings. These societies were not wealthy, and they understood that their location in Burlington House was to be permanent, and they had gone to expense on the faith of that understanding. As the Society accommodated the Government in leaving Somerset House, the Government were bound to provide other accommodation for them if they could not retain Burlington House. The money and some time had been spent, and it would have been wrong of the Government if they had not provided accommodation for the discharge of public duties at Somerset House, by providing another place for the assemblage of the learned societies. It was idle, therefore, to talk of reducing the Vote.

Mr. WILSON observed that the Government had, some time since, been charged with neglect for not having provided a sufficient staff of clerks for the purpose of collecting the succession duty, and that, the matter having early last autumn been brought under the notice of the Treasury, they had made a proposal to these learned societies to the effect that, if they were prepared to give up the apartments in Somerset House, which had been allotted to them by Royal grant, the Government would place at their disposal rooms in Burlington House. Now, if the Government had taken a contrary course, it was quite clear that they would have been obliged to pay a considerable rent for rooms in which to accommodate the staff of clerks to which he had just alluded. The Government never contemplated that, by putting Burlington House to this purpose, they infringed the right of these public societies to permanent accommodation. The societies were good enough to go out of rooms in Somerset House which they were perfectly entitled to retain, in order to accommodate the Government, and it was only reasonable that, in the event of leaving Burlington House, when it was wanted for other purposes, they should be furnished with a new building. He quite agreed in the proposition that the Government were bound to furnish other rooms in the event of these societies not being able to retain the rooms they now used in Burlington House, and he thought that great blame would have attached to the Government if they had neglected to make this arrangement.

Mr. BERESFORD HOPE said, he was glad that Government had purchased the garden of Burlington House. It was, however, useless to anybody except the sparrows, and he thought Government ought to produce a proper plan for utilizing it, and making it available to the public. Still, under all the circumstances, he was not sorry to see it applied to its present purpose. So much public feeling attached to these literary and scientific societies, that they ought to be fostered and encouraged by the Government. He would suggest that the house, being very low, should be raised two or three stories, that the unoccupied grounds behind should, if necessary, be built over, and that the collections, which used to be visited by so many thousands when in Marlborough House, should be recalled from their honourable exile, in what had been irreverently styled "The Brompton Boilers." It was obvious that the public offices must be concentrated, but they could find better sites than Burlington House in the neighbourhood of the Houses of Parliament, which was in fact the official and Government quarter of the town.

Sir JOHN SHELLEY observed, that the discussion had been productive of great good, and he was glad that it had been elicited that these societies had a claim on the Government. It was said, however, that the money was all spent, but he believed that the property might be sold at a profit. Burlington House stood on only a small portion of the ground which had been purchased, and it was wasting money to allow those three or four acres in the heart of the town to be unoccupied. Nothing could be more unsightly than the wall, and a light railing, in substitution of it, would be a great improvement.

Lord JOHN MANNERS said, the hon. Member for Bath (Mr. Tite) had thrown new and important light upon the subject under discussion. It was from the statement of that hon. Gentleman, who was no Member of the Government, that the Committee had first obtained any real information, and from that it now appeared that Her Majesty's Government made offers to many learned societies, some of which were, and some were not found in Somerset House, to give accommodation—and, as they thought, permanent accommodation—in Burlington House. Some one or two of them accepted; some declined; and there was a third class, which had no right to accommodation in Somerset House, which accepted, and now claimed permanent habitation at the hands of Her Majesty's Government. It was said by the hon. Member himself, an "administrative reformer," that it was useless to inquire into the matter, because the expense had been incurred—the societies were there, and would think themselves very ill-used if they were not allowed to remain there. Although, in other instances of small amounts, a note was appended that the money had been spent, this was a most improper exception to the general rule, and he wished to ask the Secretary of the Treasury whether he had any objection to furnish the House with a copy of the document under the authority of which the money had been expended?

Mr. DRUMMOND said, the hon. Member for Maidstone (Mr. B. Hope) had declared the general feeling to be, that these learned societies ought to be fostered and encouraged by the Government. Now, fostering and encouraging meant giving public money. If that were the feeling of gentlemen on both sides of the House, and if that were the feeling of the country, for goodness' sake let there be no more nonsense heard about administrative reform, or declamations upon hustings about retrenchment and economy. It was all stuff. Now, with respect to these societies—or, as they really are, clubs—one set of gentlemen, who were travellers, called themselves the Geographical Society; another set of gentlemen, who caught butterflies, called themselves the Linnæan Society. Those were the learned bodies which should be fostered and encouraged. Then there was a Geological Society: but what on earth was the use of a Geological Society? Could not the gentlemen who were fond of discussing questions of strata meet in their own houses? Why should the House go on year after year, providing out of the public taxes, for all these clubs, which they chose to dignify with the name of scientific societies? He protested against this as not only a useless expenditure, but as being no part of the proper business of the State.

VISCOUNT PALMERSTON must protest against the doctrine of his hon. Friend who had just sat down, which was founded on views of the duties of a Government which were exceedingly narrow, and quite unworthy of a great nation. Parliament and the country had for years deemed it right to contribute largely from the public revenues for the promotion of art, not simply on account of the credit which a country derived from its successful cultivation, but from a feeling that the development of art added to the creative power of a nation's industry. Yet we had altogether neglected the promotion of science, while other States had devoted great means to its encouragement. Would any man say that science was of less importance to a country than art? The progress of science obviously contributed more directly to the prosperity and power of a country than any ornamental pursuits, however estimable in themselves: therefore, in rendering to these scientific bodies the slight assistance, afforded by facilities for meeting and communicating together, as they did in Burlington House, the Government were guilty of no lavish expenditure of the public resources. Indeed, if the Government were liable to any reproach in the matter, it was for not having sufficiently attended to the claims of science, which was so intimately bound up with the wealth and greatness of the country, and was the spring of so many important improvements. He trusted, then, that the country would not be run away with by any declamation such as that in which his hon. Friend had just indulged, but would continue to feel that, by giving to these societies the small assistance, which enabled them to conduct their valuable pursuits in contiguous apartments, they were doing that which was mainly for the advantage of the country.

Mr. Drummond

MR. STAFFORD said, he also hoped that the country would not be run away with by declamation—not even by that of the noble Lord. This item had no comment of any kind attached to it, and the acute, practised eye of the right hon. Member for Portsmouth (Sir F. Baring) was perhaps not aware that it came in the same category as the Vote of £11,000, to which he had called the attention of the Committee on a former occasion. That great Administrative Reformer, the hon. Member for Bath (Mr. Tite) exultingly proclaimed that the money was all spent. No doubt the Committee would be curious to hear the explanation of the hon. Gentleman the Secretary to the Treasury. The Chief Commissioner of Works had told them that he had the authority of the Treasury for the outlay of £14,000 on the ornamental water in St. James's Park; so that the Treasury were the actual offenders themselves in one case and the authority for the offence in another. "*Quis custodiet ipsos custodes.*" Let the Secretary to the Treasury leave all disquisition on the comparative merits of science and art to the noble Viscount, and tell the Committee distinctly by what authority the funds already spent had been drawn.

MR. SPOONER asked what had become of the two societies which, it was alleged, had a right to public buildings, and would not consent to remove to Burlington House.

MR. WILSON could assure the noble Lord opposite (Lord J. Manners) that the Treasury did not execute these works, but had only sanctioned them. They were carried out by the Board of Works. Their execution was not a matter of choice, but one of public necessity. A great revenue department, charged with the collection of millions of money, absolutely required more accommodation; and, if they had hired additional buildings to meet their pressing wants, the rent they would have had to pay would have cost as much per annum as the alterations made at Somerset House. The two societies to which the hon. Member (Mr. Spooner) referred, still remained at Somerset House, and could not be turned out without their own consent. Another body, for which the Government was obliged to furnish accommodation, was the Senate of London University, who used to conduct their examinations in Somerset House; but they now occupied one of the wings of Burlington House. These works had been executed under the authority of the Board of Works. It was true the money had been spent without the sanction of Parliament, but it was impossible that the Government could have allowed the operations of a great department like that of the Inland Revenue to be brought to a complete stand still for eight or perhaps even twelve months until the pleasure of Parliament could be taken on a Vote of £4,700. Burlington House having been unoccupied it was thought the most economical arrangement to remove the learned societies thither from Somerset House. No absolute cession of the buildings had been made to these bodies, as some hon. Members seemed to suppose; but when they were turned out of the apartments to which they were entitled, the Government undertook to provide them with other rooms. The Royal Society thought these various bodies ought to be located together. One condition of the arrangement was, that the public should have access to their conjoint library.

SIR JOHN TROLLOPE said, that this sum of £4,700, did not include all the expenses incurred about providing accommodation for these societies, for the hon. Gentleman had forgotten the capital sum of £140,000 which had been expended in the purchase of the building itself. He also believed that one of these learned societies at least—namely, the Senate of the University of London—had no right to be established there, as that college was originally established by private subscriptions.

SIR FRANCIS BARING observed that he did not think the explanation of the hon. Gentleman very satisfactory, for he had not answered the question. If the act was done, why was it not stated in the Estimates? It was quite possible that in the course of the year an expenditure might become necessary that was not contemplated when the Estimates were voted; but in that case the first duty of the Government in the next year's Estimates was to call attention to the fact by a special note in the Estimates themselves, stating the circumstances under which such excess of expenditure had occurred. The hon. Secretary for the Treasury must have calculated largely on the inexperience of the young Members of the House, he thought, when he talked of the difficulty of meeting such unexpected charges while Parliament was not sitting, for it was well known that there was £100,000 voted for civil contingencies, besides which he had the surplus arising from former years to draw upon in any emergency such as he referred to. It was quite clear that this sum had been paid out of money voted by Parliament for other purposes, and was consequently a most improper proceeding, which it was the duty of the Committee to notice.

MR. MORGAN remarked, that being a fellow of the Royal Society and also of the Society of Antiquaries, he was able to assure the Committee that the distinct understanding on which they removed from Somerset House to Burlington House was that their abode in the latter building should be permanent.

MR. TITE said, that as another fellow of the Royal Society, he could corroborate Mr. Morgan's statement, and would add that the change of residence was consented to on the part of the societies in order to meet the wishes and convenience of the Government. He had been misunderstood with regard to the Vote for Burlington House. He approved the sum proposed for repairs, but not the sum of £4,000 for alterations. He regretted to say that hon. Members were in the habit of twitting him with supporting the Government whether right or wrong. There was no ground for that uncourteous insinuation. He should support the Government when he thought they were right, and reprehend, and probably vote against them, when in the wrong.

MR. LOCKE KING said, no large outlay should have been expended upon Burlington House at the mere will of the Government. The purpose to which that building should be put ought to have been left to the decision of Parliament.

MR. MOWBRAY said, he wished to know whether the sum of £5,205 represented the whole amount of liabilities and expenses in regard of Burlington House, or whether there was anything due beyond?

MR. WILSON replied that it included the whole cost except the purchase-money. And with regard to the interest on that sum the Committee should recollect it would have been the same whether Burlington House were left empty or occupied as now. There was a general Vote for works, out of which the First Commissioner paid wages and other items during the year. If the amount was short at the end of the year he applied to the Treasury, and they, if they saw fit, authorised an advance to meet the deficiency, charging it in the next year's Estimates. He quite agreed with his right hon. Friend that it would be better if a note of such payments were made in the Estimates, and in the next year's Estimates he would take care if any expenditure beyond the sum voted was incurred during the year the fact should be noted and the circumstances explained. The course, however, which had been taken in the present instance was one which had been pursued from time immemorial.

Sir CHARLES NAPIER inquired whether it was intended to purchase the houses next to the old Ordnance Office, in Pall Mall, in order to bring all the offices connected with the War Department into one building? He wished also to know whether any Vote was to be taken for the new buildings near Waterloo Bridge, connected with Somerset House?

Mr. WILSON replied that a charge had appeared each year in the Estimates for the Board of Inland Revenue for the new buildings at Somerset House, as they belonged to that Department. With regard to the houses in Pall Mall they had only been attainable within the last two or three months, and after other arrangements had been made; and it being in contemplation to concentrate all the public offices in one spot, it was not thought advisable to make the purchase.

Mr. HENLEY said, that as it appeared that in one case the money now asked for had already been expended, he should like to know if there were any other items in the same condition.

Mr. WILSON said, he was not aware that there were any other items in the same condition, although he could not say positively that in no case a portion of the money now asked for had been spent on account. Care would, however, be taken in future that no money should, except under circumstances of necessity, be expended without the previous knowledge of the House; and, if it should be necessary that money should be expended, that a clear statement with regard to it should appear in the Estimates.

Lord JOHN MANNERS remarked, that he considered the promise of the Secretary of the Treasury as to the future satisfactory; but his explanation as to the past by no means so. He recommended his hon. Friend, Mr. Spooner, however, to be content with the promise, and withdraw the Amendment.

Sir BENJAMIN HALL undertook that for the future there should be an explanation given of any excess of expenditure in his department.

Mr. SPOONER said, that on the understanding alluded to, he would withdraw his Amendment.

Sir HENRY WILLOUGHBY said, that he did not consider that the declaration of the Government went far enough. The Board of Works and the Treasury together had no right to spend the public money without the sanction of that House, and he trusted that the Committee would receive an assurance from the Government that no money should be expended upon any work without a distinct grant being voted for the purpose.

Sir BENJAMIN HALL said, he could not make any such general promise. It might happen that while Parliament was not sitting the building occupied by one of the departments might get into such a state as to require expenditure to prevent further dilapidation, and surely it could not be expected that the Government should not have the power of expending money in such a case. If, however, a case should arise in which any expenditure became a matter of necessity, an explanatory note would be affixed to the item in the Estimates of the following year.

Mr. STIRLING said, he wished to call attention to the lodging of the London University in Burlington House, and to ask if it was to be a permanent or local occupation?

The CHANCELLOR of the EXCHEQUER stated that the University of London was a public institution, established by Royal charter, and apartments for purposes connected with that University had always been provided at the public expense.

Motion by leave *withdrawn.*

Original question put, and *agreed to.*

(3.) £36,069, Furniture Public Departments.

Sir HENRY WILLOUGHBY asked whether any portion of this sum had already been expended.

Sir BENJAMIN HALL said that there was an item of £9,157 expended under the authority of the Lords of the Treasury. A portion of this expenditure had been rendered necessary by the re-arrangement of the Treasury Chambers, and other portions had been incurred in taking premises for various commissions appointed to inquire into particular matters.

Colonel BOLDERO complained that in this and the preceding Votes there were items for furniture required in the military departments to the amount of £16,000, and which, therefore, ought to have appeared in the Army Estimates. Putting them into the Civil Service Estimates was not dealing fairly with the public.

MR. W. WILLIAMS said that the Vote also included £2,000 for the Commissariat.

Vote *agreed to.*

(4.) Motion made, and Question proposed, "That a sum, not exceeding £75,781, be granted to Her Majesty, to complete the sum necessary to defray, to the 31st day of March 1858, the Expense of maintaining and keeping in repair the Royal Parks, Pleasure Grounds, &c., and other Charges connected therewith."

MR. BENTINCK said, he fully concurred in what had been said as to the impropriety of cutting off portions of a Vote unless there was some good reason for such a course, but he trusted the Committee would understand, that in the objection he was going to raise to an item in this Vote his wish was to vindicate a distinct and positive principle. He was not going to revive the discussion that had taken place as to the authority of the Government to make certain expenditures without the previous sanction of Parliament. There might be expenses that would properly come under the head "emergencies," but he could not understand how it was possible that the portion of the Vote which he was about to object to could come under that head. He could not see how payment for the clearing out and paving a fish-pond could be called an emergency. The principle which he wanted to assert was, that the public money should not be applied with a niggard hand for useful works while it was lavishly expended on works which were comparatively useless. He found in the Vote now before the Committee a sum of £11,985 for removing the mud in the lake in St. James's Park, levelling and concreting the bottom, intercepting the land drainage, sinking a well, and refilling the lake with pure water. He did not think it could be contended that this expenditure was for a sanitary purpose. He thought it should be considered that it was for an ornamental purpose, and what he complained of was the lavish manner in which money was laid out for purposes of, as he might call them, amusement, while grants for objects of national importance were doled forth in the most niggardly manner. A handsome sheet of water in St. James's Park might be a very agreeable sight; but what was the improvement of that lake as compared with the works which were required to save the lives and property that were annually sacrificed for want of harbours of refuge and other coast works? Another objection he had to this item for the Park was, that it was a sum charged on the entire country for beautifying the metropolis. If it was desirable to adorn the metropolis the people of London should pay for it, and not the population of Great Britain at large, many of whom never visited London, and therefore never saw those works for which they were charged. On these grounds he should move the reduction of the Vote by the item of £11,985—the money spent on the lake in St. James's Park.

Motion made, and Question proposed, "That a sum, not exceeding £63,796, be granted to Her Majesty, to complete the sum necessary to defray, to the 31st day of March 1858, the Expense of maintaining and keeping in repair the Royal Parks, Pleasure Grounds, &c., and other charges connected therewith."

SIR BENJAMIN HALL assured the hon. Member for West Norfolk that his real object in carrying out this improvement was a sanitary one, though undoubtedly it would at the same time have an ornamental effect. In his communication with the Treasury on the subject it would be seen that he did not say one word in relation to the ornamental, but he had felt it absolutely necessary in a sanitary point of view that this work should be undertaken. There was not an hon. Gentleman present who, if he had in his park a piece of water like those in St. James's Park and Kensington Gardens, would allow it to remain in so filthy a state for a single day if he had the means of cleansing it. As to the charge of spending money which had not been voted by Parliament, he hope the Committee would not think him so arrogant or so presumptuous as to desire to override the privileges of that House in checking the public expenditure. The fact was, he believed it to be necessary that this work should be undertaken; an opportunity offered to carry it out at a much cheaper rate than it could afterwards have been executed for; nobody, he believed, could object to the manner in which the work had been performed, for it had hitherto been entirely successful; and he hoped the Committee would think that he had done wisely in taking advantage of a favourable moment to begin it.

SIR HENRY WILLOUGHBY wished to call the attention of the Committee to the fact that the Vote for parks and pleasure-grounds was in 1855, £69,100; that in 1856 it had risen to £89,000; and that for the present year, including the portion of the Vote already taken and that now before the Committee, it amounted to £116,000. A sum of no less than £42,000 had been spent on the London parks this year. There was in the Estimates now before the Committee a sum of £3,400 for the formation of a sewer from the lake in St. James's Park to the Horse Guards, and thence on some further distance. That sum was placed under the head "emergencies." Now, he altogether objected to this proceeding. A sum of £850 was voted for this sewer in 1855, and the work having been thus recognised by the House in 1855, he was at a loss to know why it should have been left out of last year's Estimates and made this year to figure as an emergency at a sum so much larger than that voted for it two years ago.

Sir BENJAMIN HALL had already referred to the condition of his office about the time in question, and could only say that the omission of the item from the Estimates of last year was occasioned by the state of confusion into which that office was thrown owing to the unfortunate circumstances of which he had apprised the House on a former occasion.

Mr. PIGOTT thought that his right hon. Friend spent rather too much money in one year, and that it would be better if he distributed his outlay over a longer period. He hoped that next year the expenditure on the parks would not be so heavy.

Mr. H. BERKELEY said, he wished to express his thanks to his right hon. Friend for his sanitary measures in the parks, which had been attacked by the hon. Member for Norfolk. No one who reflected upon that muddy lake, under the very nose of Royalty, who knew the unhealthy state of the houses in Carlton Gardens at certain seasons from the foul state of the water, and who had seen the number of children congregated by that dirty pond, which his right hon. Friend had now cleaned out, but must be thankful to him for the good that he had accomplished.

Mr. SEYMER said, that he was not quite happy yet about the cows in Hyde Park. They were told the other day that the cows were desirable on account of the milk that they supplied; but so long as the railways brought in good milk and the water companies laid on plenty of water there was no fear of a deficiency of milk in London. He hoped that the right hon. Gentleman would make some proposition to the Ranger by which the public might have the benefit of a close sward in Hyde Park instead of long grass and the other inconveniences which resulted from the depasturing of cows. The country paid £40,000 a year for the keeping up of the three parks, but there seemed to be doubts as to who had control over the pasturage. He believed that if sheep were placed in Hyde Park instead of cows the change would be found to be a matter of profit.

Mr. SLANEY thanked his right hon. Friend for the improvements which he had effected in the parks, which had greatly increased their healthfulness and beauty, and stated that so far from grudging the Vote he thought that it was exceedingly well bestowed.

Sir JOHN PAKINGTON said, that these thanks were justly due, for the right hon. Gentleman the First Commissioner of Works certainly had shown very great taste and judgment in the improvements which he had carried out in the parks, but he could not help thinking that more money was expended upon them than was necessary. For example, the new lodge at Cumberland Gate was estimated to cost £1,281, and it appeared to him that it was just such a lodge as a gentleman would put up on his own estate for about £300 or £400. He thought that the entrance to the park at Marlborough House also had cost a great deal more than such a work would have cost under the inspection of private individuals.

Sir BENJAMIN HALL said, that he took great interest in the parks, and that he was there nearly every day watching what was going on, and endeavouring to curtail the expenditure as much as possible. Almost every piece of work that was done was put up to tender, and it was in pursuance of this system that he had been enabled to accomplish so much with so little money. The lodge at Cumberland Gate had been submitted to five or six eminent builders, and the sum of £1,281 for it in the Estimates was the amount of the lowest tender that had been sent in. It must be remembered that the whole of the money voted for a work was not always expended upon it, and the new road and entrance at Marlborough House afforded an instance of this. The sum voted for those improvements was

£4,500, but the sum actually expended had been only £2,631, being £1,630 for forming the road and walls, paving, and gas works, and £1,001 for the lodge, walls, and paving, which lodge was not included in the original Estimate, but was erected in consequence of a desire very generally expressed by the House that there should be such a building.

Sir JOHN TROLLOPE hoped that the hon. Member for West Norfolk would not press his Amendment to a division. Connected as he was with what might be called an aquatic county (Lincolnshire), he had some experience in waterworks, and having inspected the works in the park, he felt bound to say that they were well conceived and well executed. As a sanitary matter the improvement was greatly needed. The miasma from the old water was like to be very injurious to all who had to live near. For instance, the valuable lives of many of Her Majesty's Ministers were in danger, and though, of course, as a Member of the Opposition, he could not be expected to say that it would be difficult to find as good men to fill their places, yet his opposition was to their measures in Parliament, rather than to their health. The water which had been put in was clear and limpid, and any one who would compare it with that which was there before must confess that the improvement which had been effected was very great.

Mr. BLACKBURN said, he also hoped the Amendment would be withdrawn. At the same time he would beg to call the attention of the Committee to the large amount of money voted. Any amount they gave would be spent, but they ought to give a limited amount, and not allow it to be exceeded. The sum was increasing at a rate that they could not afford if they reduced the taxation next year. In 1851 the sum asked for this purpose was only £41,000; in the first year of the right hon. Gentleman's accession to office it had risen to £115,000. Let them take the average of a series of years and fix it at that amount. There was an increase of 66 per cent within five years. He had a great mind to propose an Amendment to reduce the amount in accordance with that Vote. An hon. Gentleman opposite had an Amendment against the Vote for Battersea Park, and here the forms of the House stood very much in the way. If he proposed such an Amendment as he was suggesting what was to become of the hon. Member opposite? He did not object to the maintenance of the existing parks, but he did think the whole country ought not to be taxed for these parks for London. There was a talk of the formation of a new park in the north of London, but he trusted that the expense of its creation would not be thrown on the public at large. All other towns paid for their own parks, and so ought London.

Mr. BENTINCK said, that the principle he had to contend for was that money ought not to be spent in ornamental and useless purposes, when it was required for more urgent purposes. As the feeling of the Committee seemed to be against him he should withdraw his Amendment.

Motion by leave *withdrawn.*

Original Question again proposed.

Mr. GROGAN said, that seeing an item of £8,069 in the Estimate for Battersea Park, he wished to ask if it was intended to charge a toll for passing over the bridge which led to that Park?

Sir BENJAMIN HALL replied that the toll was imposed by a clause in the Act of 1847, under the sanction of which the bridge from Chelsea to Battersea was erected, and it was impossible to forego that toll unless Parliament should pass an Act to repeal that clause.

Mr. BLACKBURN said, he should move, for the reasons he had already stated to reduce the Vote by £17,916, which sum being deducted from the Vote proposed (£75,781) would leave the Vote £57,865.

Mr. DILLWYN said, that if the hon. Member's Motion should be rejected he should then move to reduce the Vote by the sum proposed to be granted for Battersea Park.

Mr. ALCOCK said, he thought it right and just, as there were parks in other parts of London, that there should also be one at Battersea for South London; but he objected to placing a toll bar at Chelsea Bridge to impede the peoples' enjoyment of the new park. If care were not taken, there would be excited in the metropolis as violent a feeling against these tollbars as had been manifested in the Rebecca riots of South Wales some years ago. Besides, the imposition of the toll would be a financial mistake, as it would injure the neighbouring property to a greater amount than would be gained by the impost.

Mr. BENTINCK reminded the Committee that the question involved in the Vote on which a division was about to be taken was, whether or not the whole of Great Britain and Ireland was to be taxed for the luxuries of the city of London.

MR. P. O'BRIEN wished to know whether this expenditure for the parks was to be continuous? He thought this expenditure, which was to be defrayed by Ireland, Scotland, and the various counties of England, extremely extravagant, and he would call upon the hon. Member for Lambeth (Mr. Williams), as peculiarly the guardian of the public purse in that House, to say whether he was prepared to consent to an annual expenditure of £8,000 for a park which nobody cared anything about, and which was in fact useless.

Motion made, and Question proposed, "That a sum, not exceeding £57,865, be granted to Her Majesty, to complete the sum necessary to defray, to the 31st day of March 1858, the Expense of maintaining and keeping in repair the Royal Parks, Pleasure Grounds, &c., and other Charges connected therewith."

The Committee *divided*:— Ayes 66; Noes 210: Majority 144.

Original Question again proposed.

MR. DILLWYN said, he should now move that the Vote be reduced by £8,069 14*s*., being a Vote for the maintenance of Battersea Park. The question was whether the country was or was not to be saddled with the maintenance of a park which ought to be kept up by the inhabitants of the district in which it was situated.

SIR BENJAMIN HALL said, Battersea Park was purchased and laid out under an Act of Parliament, and he had done all in his power to get it brought into a state in which it would be available for the purposes intended. It would soon be in a condition to receive the population of that part of the metropolis, and now his hon. Friend stepped forward and proposed to strike out the Vote necessary for its maintenance. The inhabitants in the neighbourhood could not be asked to keep up the park. It was a property belonging to the State, having been purchased by the authority of Parliament, and the State must of course maintain it.

SIR JOHN SHELLEY said, that he hoped measures would be taken to remove the toll on the bridge at Battersea, so as to enable the inhabitants on the north side of the river to go over to the park free. What Parliament had done Parliament could undo. It was absurd to keep the people out of a park which had been expressly formed for them.

MR. HENLEY said, that, upon the general principle, he was disposed to agree with the hon. Member for Swansea (Mr. Dillwyn); still, as the park was the property of the public, and not under the control of the Metropolitan Board of Works, he could not see how otherwise it was to be given up. As for throwing open Battersea Bridge, while he had no doubt that ought to be done, he would remind hon. Gentlemen that they must be prepared simultaneously to open the bridges on either sides of it, for they were equally toll bridges. They should also remember that if it were opened to the public all the traffic from both sides of the river would pass through the park, and the roads would consequently be completely cut up. He was opposed to tolls, but if this bridge were thrown open to the public he considered that it ought to be maintained by the counties of Surrey and Middlesex.

MR. TITE asked whether the proceeds of the surplus property connected with the new park, a portion of which had recently been sold to a railway company, could not be applied to the reduction of the charge upon the public, with the view of rendering the bridge toll free?

SIR BENJAMIN HALL replied that certain portions of the property at Battersea Park were to be thrown open to the public, but about 125 acres, forming a most valuable estate, would be sold or let, and he had within the last few days disposed of about thirty acres upon terms most advantageous to the public.

MR. P. O'BRIEN said, he must object to the poor taxpayers of the country being called upon to contribute to the establishment and maintenance of metropolitan parks, and also express his belief that such proposals as that under consideration were attributable to the fact that the President of the Board of Works was a metropolitan Member.

Motion made, and Question, "That a sum, not exceeding £67,711 6*s*., be granted to Her Majesty, to complete the sum necessary to defray, to the 31st day of March 1858, the Expense of maintaining and keeping in repair the Royal Parks, Pleasure Grounds, &c., and other Charges connected therewith," put, and *negatived.*

SIR JOHN SHELLEY begged once more to impress upon the right hon. Baronet (Sir B. Hall) the necessity of excluding cows from Hyde Park as had been already done in Regent's Park.

MR. MACKINNON (Rye) called attention to a petition which he had recently presented from 200 persons residing near the Marble Arch, Hyde Park, complaining of the erection of another lodge in that park; and urged the right hon. Baronet at the head of the Board of Works to comply with the request of the petitioners that such a building might not be erected.

MR. BERESFORD HOPE observed that he lived in the neighbourhood of the Marble Arch, and he considered that the opposition of the petitioners was most ridiculous.

SIR BENJAMIN HALL said, that when the petitioners complained that the Commissioners of Public Works were about to erect in a public lodge certain public conveniences of various descriptions, and that they begged to be protected against this outrage upon public decency, as such accommodation was not required in the locality—they spoke only for themselves.

Vote *agreed to.*

House resumed. Resolutions to be reported on *Monday* next; Committee to sit again on *Monday* next.

ROCHDALE ELECTION—PRIVILEGE.

The SERJEANT-AT-ARMS *reported* that Peter Johnson and John Lord had been served with the Order of the House; that John Lord was in attendance, but that Peter Johnson was not in attendance, pursuant to the said Order.

MR. H. BERKELEY wished, before the person in attendance was called in, to ask a question of the Speaker upon a point of form. He found, from the Rules and Regulations of the House, that no Member could examine witnesses except through the medium of the Speaker, and he wished to know whether that regulation was to be adhered to?

MR. SPEAKER: In answer to the question of the hon. Member, I have to say that he has correctly stated the effect of the rule in question; but it has been the custom to allow a degree of latitude for the convenience of the House, and questions put directly by Members have been supposed to be put through the Speaker.

SIR GEORGE GREY: I understand that your order, Sir, has been served upon John Lord, who is in attendance, although Johnson is not. I have, therefore, to move that you, Sir, do issue your warrant that Peter Johnson be taken into custody.

Motion put, and *agreed to.*

Ordered, That Peter Johnson, having been served with the Order of this House to attend the House forthwith, and having neglected to attend, be taken into the custody of the Serjeant-at-Arms attending this House, and that Mr. Speaker do issue his warrant accordingly.

SIR GEORGE GREY: As John Lord is in attendance, I beg to move that he be now called in, and that the Speaker do explain to him the nature of the charge which has been made against him, and which, if proved, will amount to a breach of the privileges of this House, and that the said John Lord be informed he is at liberty to make any statement.

Motion put, and *agreed to.*

Ordered, That John Lord be called in.

Then the said John Lord being called in, was examined at the bar, as follows:—

MR. SPEAKER: John Lord, a statement has been made to this House that yesterday one Peter Johnson offered to one Abraham Rothwell the sum of £50 to induce him to go to New Orleans in order to avoid giving evidence before the Rochdale Election Committee, and that you, John Lord, were present when such offer was made, and endeavoured to induce Abraham Rothwell to accept it. Have you anything to say in answer to such statement?

Witness: I never attempted to induce him to go.

MR. SPEAKER: Have you anything further to say in answer to the statement that has been made?

Witness: I did hear him say if he wished to go away he would pay his outfit as far as £50. That was all I heard him say.

MR. SPEAKER: Whom did you hear say so?

Witness: Peter Johnson.

The witness was then ordered to withdraw, but to remain in attendance until the pleasure of the House should be made known.

THE ATTORNEY GENERAL: I understand the person in attendance, John Lord, to have said in substance that he never did induce nor attempt to induce Abraham Rothwell to accept any money; but that he heard Peter Johnson offer to Rothwell the sum of £50 to go abroad to New Orleans. I beg to suggest to the House that the question now occurs whether any further inquiry shall be pursued by the House itself or adopted in some other form. If the House undertakes the duty of pursuing such an inquiry, I think it must be aware of the difficulty of managing such an investigation. As to the party now in attendance, I should deprecate any further questions being put to him, because, to a certain extent, he appears to be a party to the charge. He has in some degree denied that charge; but if the House shall determine itself to continue the inquiry, I think the person in attendance should be cautioned that he may decline to answer questions that may tend to criminate himself. But, upon the whole, I would humbly suggest to the House, that if it thinks fit to pursue this matter further, the whole subject should be referred to a Select Committee for investigation. That was the course adopted on former similar occasions when statements had been made to this House of conduct amounting to a contempt and breach of the privileges of this House, and I believe that is the only manner in which inquiries of this description can be satisfactorily conducted. I therefore move that further inquiry into the subject of the charge preferred by Abraham Rothwell against John Lord and Peter Johnson, contained in the petition of John Newall, be referred to a Select Committee, with the usual directions to examine witnesses as to the truth of such charge.

Mr. HENLEY: I think the course suggested by the hon. and learned Gentleman is the most convenient one that can be adopted. It would certainly be very inconvenient to pursue the inquiry by this House.

Mr. Serjeant KINGLAKE said that, as a matter of justice to the absent, a full inquiry should take place, and he thought the course proposed would be by far the most convenient.

Mr. CHEETHAM also supported the Motion.

Mr. BOWYER begged the Speaker to inform the House, whether the course which had been recommended by the Attorney General was or was not according to precedent? No doubt in ordinary criminal proceedings it was right that an accused person should be cautioned; but he contended that it had never been the practice of the House to caution persons called to its bar against replying to questions the answers to which might criminate themselves. It would be narrowing the powers and privileges of the House to subject it to the same strict rules which prevailed in the ordinary courts of justice.

The Attorney General

Mr. SPEAKER stated that the course proposed by the Attorney General was in accordance with what took place upon a former occasion somewhat similar to the present.

Mr. BOWYER reminded the House, that in the case of the Duke of York certain persons called to the bar were undoubtedly asked questions the answers to which might have criminated themselves, and yet, if his memory served him, no caution was addressed to those witnesses how they replied to such questions. Horne Tooke, also, when he was called to the bar, was asked whether he was the author of an alleged libel; but no caution was addressed to him upon that occasion. By an ingenious device, however, he certainly did baffle the House. He said, "Do you ask me that question as a party or as a witness?" The Speaker replied, "As a party;" upon which Horne Tooke said, "Then, Sir, I plead 'not guilty,' and put myself upon my country." Thus he baffled the inquiry; but still no caution was addressed to him not to criminate himself. If the House were to adopt the proposition of the Attorney General, and hold itself bound by the same strict rules which prevailed in ordinary judicial proceedings, it would to a considerable extent narrow its powers and privileges; and to narrow the powers of that House, which was the great inquest of the nation, would be a very dangerous course, and one which ought not to be taken without the most mature deliberation. He would suggest, therefore, that an inquiry should be instituted into the precedents, and that in the meantime no step should be taken in the direction indicated by the Attorney General.

Mr. CHEETHAM asked, whether the witness who had left the bar was in custody?

The ATTORNEY GENERAL said, he conceived that in all matters touching its privileges the House was not bound to abstain from instituting any examination which it might be pleased to undertake, or from requiring an answer to any question which it might think proper to put. But when there was an inquiry touching a matter which not only involved a breach of the privileges of the House, but which might also amount to a crime at common law, the House out of indulgence, as it were, and from compassionate consideration for the persons called to its bar—not recognizing any right or claim on their part—had been in the habit of telling them that they were under no obligation to reply to any questions the answer to which might criminate themselves. He entirely agreed with the hon. and learned Member (Mr. Bowyer), that the powers and prerogatives of that House should be preserved inviolate. With respect to the question of the hon. Member for Lancashire (Mr. Cheetham), it was unquestionably desirable that some steps should be taken to ensure that the person who had left the bar should attend before the Select Committee; but he was not prepared to say that the House was in a position at present to order him into custody.

MR. BOWYER rose to address the House, but he was received with cries of "Spoke," and

MR. SPEAKER said, the hon. and learned Gentleman was not at liberty to make a second speech.

MR. BOWYER then moved the adjournment of the House, with the view of putting himself in order; but

MR. SPEAKER said, that the hon. and learned Gentleman, having already addressed the House, could not be permitted, according to the usage of the House, himself to move the adjournment.

Motion *agreed to.*

Select Committee appointed "to inquire into the matter of the Petition of John Newall, and to report their opinion thereupon to the House."

Motion made, and Question proposed, "That John Lord do attend the said Committee." (*Mr. Attorney General.*)

MR. CHEETHAM said that, from information he had received, it appeared to be of the utmost importance that John Lord should be detained in custody.

MR. BOWYER intimated his intention to move that the proceedings in this case should be entered upon the journals of the House, in order that it might not be drawn into a precedent, and that the powers of the House with respect to the examination of witnesses might not be narrowed.

MR. MALINS thought it might be dangerous to allow Lord to go at large until the meeting of the Select Committee. He was to some extent implicated in the transaction of which complaint had been made to the House.

MR. CHEETHAM then moved an Amendment, to leave out from the words "John Lord" to the end of the Question, in order to add the words "be taken into the custody of the Serjeant-at-Arms attending this House."

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR GEORGE GREY doubted whether the statements before the House would justify it in ordering Lord into custody. That person himself had not pleaded guilty to a breach of the privileges of the House. It might, therefore, be desirable to call him again and interrogate him upon the allegation of the witness Abraham Rothwell, that he was the person who requested him to meet Johnson, and endeavoured to induce him to accept the bribe. If his answers were not satisfactory upon that point, there might possibly then be grounds for taking him into custody. At present there were none.

MR. FITZROY said, that before they could agree to the Amendment, they must decide that John Lord had been guilty of a breach of privilege; otherwise they would be placed in the anomalous position of ordering a man into custody against whom there was no charge.

MR. HORSMAN suggested that Lord should be heard again, and if, by his answers, it appeared that he had been the medium of communication between Johnson and Rothwell, he would be guilty of breach of privilege, and might be taken into custody.

MR. BUTT said, that when a person was charged with a contempt in a court of law, the court examined him for the purpose of ascertaining whether he had been guilty of the contempt or not; and he apprehended that that House was armed with no higher powers than a court of law. The first thing that would be necessary was, to ascertain the fact, and if the hon. Member (Mr. Cheetham) would withdraw his Amendment, he would move that John Lord be recalled.

THE ATTORNEY GENERAL reminded the House that this man was not a witness, but an accused party. Having determined that a Committee should be appointed, it would be rather inconsistent in the House now to take the inquiry into its own hands. The question was, whether the House had sufficient grounds for ordering the accused person into custody on the statement of Abraham Rothwell. That statement had been denied by the individual at the bar, and he did not think there was a necessity for any further measures at present besides ordering him to attend the Committee.

MR. CHEETHAM said he was willing to withdraw his Amendment.

Amendment, by leave, *withdrawn.*

MR. SPEAKER said, the question now before the House was, that John Lord attend before the Select Committee.

MR. BUTT moved that John Lord be recalled to the bar. Every step the House was then taking would be made a precedent which might affect the rights and privileges of the House. It was most important to maintain their rights to examine any person called to the bar, and as the hon. Member for Lancashire had expressed a desire to put a question, he should either be allowed to do so, or the House resolve not to do so out of consideration to the witness, at the same time securing its rights. He begged to move as an Amendment, that John Lord be recalled to the bar.

Amendment proposed, to leave out from the words "John Lord" to the end of the Question, in order to add the words "be recalled to the bar."

MR. CHEETHAM had been anxious to put a question which might criminate the individual; but, after the opinion of the Attorney General, he scarcely felt himself justified in so doing. There was a suspicion that Johnson had got out of the way, never to be seen again, and that Lord would follow a similar course.

MR. MALINS thought it better, upon the whole, to let the man be examined before the Select Committee.

MR. ADAMS said, that a grave charge of breach of the privileges of the House had been made against two persons; and it would be absurd if both these offenders got out of the way. Lord ought, he thought, to be again put to the bar; but, before the question was put to him, it would only be fair, either that he should hear the charge repeated by the man who made it, or else that the evidence against him should be read from the shorthand writer's notes.

MR. SERJEANT KINGLAKE thought it inexpedient, as the House had appointed a Committee, to enter into a partial inquiry of the person accused, whether he were guilty or not.

MR. DILLWYN asked the Attorney General how he proposed to secure the attendance of this witness? It struck him (Mr. Dillwyn) that he would not be forthcoming when the Committee met.

THE ATTORNEY GENERAL said, he proposed to secure his attendance by the Order of the House to attend; and if he did not attend, he would be guilty of a breach of privilege, and be taken into custody. Hon. Members talked about sending the man to prison, but he (the Attorney General) wanted to know what offence had been proved against him, and in what manner, to justify the House in ordering him into custody?

Mr. Speaker

MR. AYRTON apprehended no man could be taken into custody by that House except for a breach of privilege; and before the House issued their warrant for taking him into custody, they must find him guilty of a breach of privilege.

MR. BOWYER said, it was true a person who had not been shown to have committed an offence could not be taken into custody for a breach of privilege; but, if he was accused of a breach of privilege, there must be some means taken to secure his appearance before the Committee; otherwise he might not be forthcoming when he was wanted.

MR. SERJEANT O'BRIEN said, the only object of recalling the man was to enable the hon. Member for Lancashire to put a question: but the hon. Gentleman now declined to put it, and there was therefore no use in recalling the man.

Question put, "That the words proposed to be left out stand part of the question."

The House divided:—Ayes, 97; Noes 42: Majority, 55.

Original Question again proposed.

Another Amendment proposed, to add at the end of the Question the words, "upon Monday next, at One of the Clock."

Question proposed, "That those words be there added."

MR. STEUART submitted that, as it was not at all unlikely that the witness would keep out of the way, means should be immediately taken to prevent his absconding.

THE ATTORNEY GENERAL said, if the witness disobeyed the order of the House he would be guilty of contempt, and the House would order him into custody.

MR. BUTT said, the Motion before the House was, that John Lord be ordered to attend the Committee on Monday next, but he (Mr. Butt) must remind the House that they had not yet nominated the Committee; and unless they at once agreed to suspend the Standing Orders, he apprehended they could not proceed to nominate the Committee that night. If they could that night suspend the Standing

Orders he (Mr. Butt) should move that the Committee meet to-morrow. He thought if they gave the witness two days' liberty, after the warning which he would no doubt take from the discussion that night, the result would be that the whole of this proceeding before the House would be a mockery. He would, therefore, move that the Committee meet to-morrow at One o'clock, and that John Lord be ordered to attend at that hour.

Mr. MAGUIRE should like to know what was to prevent Lord from leaving London within a few hours by a railway train, and immediately afterwards sailing for America. The Attorney General would under those circumstances find it difficult to secure his attendance before the Committee.

Mr. CRAUFURD thought that, as Lord was an accomplice in the transaction in question, he must be looked upon in the light of an accused person, and not of a witness.

Mr. MALINS was strongly of opinion that Lord could not be taken into custody for contempt until he had been found guilty of that offence.

The ATTORNEY GENERAL said, in reply to the hon. Member for Youghal (Mr. Butt), that the House having agreed to refer the case under their notice to a Select Committee, it was not competent for them to enter upon any inquiry with respect to it themselves while that order remained. To the proposition of the hon. and learned Member that the Committee should sit that day at One o'clock he was disposed to assent, and he should, with that view, beg leave to withdraw his original Motion.

Amendment and Motion, by leave, *withdrawn.*

Ordered, That the Committee do consist of the following Members:—Mr. Attorney General, Lord John Russell, Mr. Henley, Mr. Attorney General for Ireland, Mr. Horsman, Mr. Edward Egerton, Sir Henry Willoughby, Mr. Roebuck, Mr. Macaulay, and Mr. Serjeant O'Brien: Power to send for persons, papers, and records; Five to be the quorum.

Ordered, That the Committee do meet this day at One of the clock.

Ordered, That John Lord do attend the Committee at its meeting at One of the clock this day.

Ordered, That Abraham Rothwell do attend the Committee at its meeting at One of the clock this day.

Ordered, That the Petition of John Newall, and the Evidence taken at the Bar, be referred to the Committee.

WAYS AND MEANS—COMMITTEE.

Order for Committee read.

House in Committee.

Resolved, That, towards making good the Supply granted to Her Majesty, the sum of £8,000,000 be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

House resumed.

Resolution to be reported on *Monday* next.

Committee to sit again on *Monday* next.

OYSTER FISHERIES.

PAPERS MOVED FOR.

Sir GEORGE PECHELL moved for an address for copies of any directions given by the Lords Commissioners of Her Majesty's Treasury, the Lords Commissioners of the Admiralty, and the Commissioners of the Customs, for giving effect to certain rules or bylaws made by the Committee of Council for Trade on the 21st day of May, 1857, respecting the oyster fisheries in the seas between the British Islands and France, as well as on all parts of the coast of Great Britain, within the British fishery limits.

Mr. LOWE assured the hon. and gallant Member that the directions of the Board of Trade to the Customs would not make the regulations respecting the oyster trade more stringent than before the bylaws were instituted.

Motion *agreed to.*

Address "for Copies of any directions given by the Lords Commissioners of Her Majesty's Treasury, the Lords Commissioners of the Admiralty, and the Commissioners of the Customs, for giving effect to certain Rules or Bye Laws made by the Committee of Council for Trade on the 21st day of May 1857, respecting the Oyster Fisheries in the Seas between the British Islands and France, as well as on all parts of the Coast of Great Britain within the British Fishery limits."

House adjourned at a quarter after Two o'clock, till *Monday* next.

HOUSE OF LORDS,

Monday, June 22, 1857.

Minutes.] *Took the Oaths.*—The Lord Bishop of Exeter.

Public Bills.—1ª Coal Whippers; Offences against the Person; Larceny, &c.; Malicious Injuries to Property; Libel; Forgery; Coinage Offences; Accessories and Abettors; Deer, Game, and Rabbits.

OPIUM TRADE WITH CHINA—QUESTION.

THE EARL OF **SHAFTESBURY** said, that it would be recollected that some time since he brought before the House the subject of the legality of the opium trade, carried on by the East India Company with China, and the noble and learned Lord on the woolsack promised to take the opinion of the law officers of the Crown on the subject. He begged to ask the noble and learned Lord, whether the question of the legality or illegality of this trade had been submitted to the consideration of the law officers of the Crown, in accordance with the promise which had upon a former occasion been made by the Government; and, if so, when that opinion was likely to be given?

THE **LORD CHANCELLOR** said, that subsequent to the statement which was made by his noble Friend upon the subject in that House a case was prepared upon which it was proposed that the opinion of the law officers of the Crown should be taken. The case thus prepared was submitted to the authorities at the India House in order to ascertain whether the facts set forth in it were correctly stated. It was found upon communication with the President of the Board of Control that the facts were not considered to be so stated, and the document containing the case was at present under revision. The question had, in consequence, been suspended for a short period, but it was by no means the intention of the Government to delay submitting it to the notice of the law officers of the Crown beyond the time which must necessarily be occupied in endeavouring to secure a correct representation of the facts.

CANNON—QUESTION.

LORD **RAVENSWORTH** said, he wished to put a question to the noble Lord at the head of the War Department. During the late War in the Crimea, when artillery of a heavy calibre was much required, a firm in this country very patriotically contributed a gun of very large calibre, which, having been proved, was presented by them to the Government, on the condition that it would be employed at a very early opportunity against the enemy. Before it could be so used, however, the war was brought to a close, and he believed the gun was now lying at Shoeburyness. What he wished to know was, whether the noble Lord would have any objection to employ this piece of artillery against an enemy with whom we were now at war in another hemisphere—the Chinese? He saw no reason why this gun should not be employed in hostilities in that country, and he wished to ask the noble Lord if he was prepared to redeem the pledge given by employing this piece of artillery in China? There was another point on which he wished to ask a question. He had been informed that six guns of large calibre, constructed upon a new principle for loading at the breech—a principle which was prohibited by patent—had been purchased in America. The manufacturers in this country considered that those arms might just as well have been cast in this country, and he should be glad if the noble Lord would inform him whether the report was correct.

LORD **PANMURE** said, that with regard to the first question of the noble Lord no doubt the gun had been presented to the Government—or rather to the country—by the firm in question; but he was not aware that any distinct pledge had been given that it should be used soon against the enemy. It had been intended to so use it, but fortunately the return of peace had prevented that intention being carried into effect. It had not, however, remained in perfect inactivity at Shoeburyness, because a variety of experiments had been made with the view of testing its effects at various ranges and with various charges; though these experiments had been imperfect owing to the difficulty of constructing a carriage for such a piece of ordnance. With regard to using it against the Chinese, it was thought that the ordinary artillery would be sufficient for the purpose of that warfare, and that it would not be desirable to give up a vessel for the purpose of conveying that gun to China. With regard to the other question, the facts were, that an American gentleman had discoved a system for loading guns at the breech, and that system had been referred to the Select Committee appointed to inquire into inventions of that character, and was by them very favourably reported upon, and upon that report the Government had purchased the six guns referred to by the noble Lord. It was quite true that if the inventor had been in England those guns could, with his assistance, have been cast in this country; but they could not be cast without his leave, as the invention was protected by a patent. He was not, however, in this country, and therefore those guns had been purchased in America, and he believed that they would prove of considerable service.

THE CASE OF MR. DIXON.

PAPERS MOVED FOR.

THE EARL OF ALBEMARLE rose to move that an humble Address be presented to Her Majesty for—

"A Copy of the Memorial of Frederick Beverley Dixon, Esquire, of Castlewood House, Darrow, Queen's County, to The Lord Lieutenant of Ireland, delivered to His Excellency on or about the 13th of July, 1854, praying for an Inquiry into the Conduct of David Brudenell Franks, Esquire, Stipendiary Magistrate, who illegally arrested and imprisoned the Memorialist's Son, a Child of between Six and Seven Years of Age, and committed other Acts contrary to Law in connection with the Prosecution of the Memorialist on a false Charge of Conspiracy to murder one Thomas Brophy, of which Charge he was acquitted at the Spring Assizes at Maryborough in 1854: Also,

"Copy of the Memorial of the aforesaid F. B. Dixon to the Lords Commissioners of the Treasury, dated 6th December, 1856, praying that the Police Tax of One hundred and seventy-four Pounds Thirteen Shillings and Ninepence, which had been levied on his Property under the Crime and Outrage Act, in consequence of the said false Charge, may be refunded: And also,

"Copy of the Answer of the Lords Commissioners of the Treasury thereto, dated 1st January, 1857."

The noble Earl said that the case of Mr. Dixon was of great importance to the due administration of justice. Mr. Dixon was a native of Norfolk, and had practised for upwards of eighteen years as a medical man in Norwich, where he married a lady named Gardner, the daughter of a Chancery barrister and one of the magistrates for the county of Westmoreland. Mr. Dixon removed in 1850 to Ireland, for the purpose of engaging in agricultural pursuits, and accordingly rented a farm at Castlewood, in Queen's County, for that purpose. In the year 1854 he got into an altercation with a peasant tenant named Brophy, which resulted in Mr. Dixon giving him notice to quit. Immediately afterwards Brophy brought a charge against Mr. Dixon of a conspiracy to murder him, by firing at him from behind a hedge, on a certain day in February. Absurd as the charge might appear, it found ready credence with Mr. Franks, one of the stipendiary magistrates, and who, appearing to be convinced of the guilt of Mr. Dixon, thought any means justified the desired end—namely, the conviction of Mr. Dixon. Mr. Dixon had two children, the eldest of whom, a child between six and seven years of age, was accustomed to be taken to school, a distance of about two miles from Castlewood House. On the 20th February, Mr. Franks seized upon the child and conveyed him prisoner to the police barracks at Castle Darrow, and from thence to the county gaol at Maryborough, where he was kept in confinement for seventeen days, in order that he might give evidence to hang his own father and mother. The extraordinary trial took place on the 9th of March, 1854, before the Chief Justice Monaghan, and Mr. and Mrs. Dixon were exposed to the public gaze in the felons' dock on a charge of conspiracy to murder. It appeared that Brophy was in the habit of wearing a close-fitting cap; but on the day of the occurrence he wore a high crowned hat, which was produced in court. There were two holes through it, and the Chief Justice on examining it found that they had been made from the inside, in the Irish fashion. It would be a waste of time to tell their Lordships that, under these circumstances the jury, without a moment's hesitation, acquitted the prisoners. In reference to that trial the Lord Chief Baron, in another trial connected with the same business, thus expressed himself—

> "I think no jury could possibly arrive at any other conclusion than that of acquittal. For myself, I have not the slightest shadow of a doubt as to the perfect innocence of Dixon. I have read the information of the child, and I have often before seen extraordinary depositions, but I never saw so extraordinary and incredible a one as this."

When Mrs. Dixon first heard of the unlawful arrest of her child she became in a frantic state, and went to the barracks to recover him. She was there rudely repulsed by the constables. From that period up to the trial she was kept up by excitement, but immediately afterwards she fell a victim to the persecution she had undergone, and died of a broken heart. Prior to the trial, and also subsequent to it, the magistrates of Castle Darrow, in consequence of this charge against Mr. Dixon, petitioned the Lord Lieutenant to send a party of police to the district, under the Crime and Outrage Act. Accordingly, a police force was sent down, although no crime or outrage had been committed by Mr. Dixon or any other person in the townland, and although there was not a tittle of evidence to show that an increase of the police force in that quarter was necessary. He now wished to call attention to the excessive amount of impost which was laid on Mr. Dixon. The townland comprised 337 acres, 212 of which were in the occupation of Mr. Dixon, and the portion of the rate he had to pay amounted to £34 13*s.* 9*d.* a quarter, being equal to the whole amount of the rent. The whole sum which he paid in respect of this impost was £174 13*s.* 9*d.* In July, 1854, he petitioned the Lord Lieutenant for an inquiry into the conduct of the stipendiary magistrate, and also for the remission of this tax, which was continued after his acquittal from this false charge. Now, he (the Earl of Albemarle) believed that the Lord Lieutenant at that time (the Earl of St. Germans) was incapable of intentionally doing an injustice to any person, but he believed that he had been ill-advised in this case in refusing both the requests of Mr. Dixon. Mr. Dixon was given to understand that if he had any complaint to make against the stipendiary magistrate he must seek redress in a court of law. He accordingly did bring an action against him; but in consequence of the Orange tinge which spread over the politico-religious sentiments of the good Protestants in that part of Queen's County, he wisely and prudently changed the venue to Dublin. The action was there tried by a special jury, and Mr. Dixon obtained a verdict of £500 against Mr. Franks, the stipendiary magistrate. Mr. Dixon did not now seek any reparation against that gentleman, but he wished to have refunded the sum of £174 13*s.* 9*d.*, with which he contended he had been unjustly charged, under the Crime and Outrage Act. This year an application had been made to the Lords Commissioners of the Treasury to that effect, but it had been refused without any reason being assigned for the refusal. It was with the view of giving some Member of the Government an opportunity of making a statement that he (the Earl of Albemarle) had brought the subject under the notice of their Lordships. The noble Earl concluded by moving the Address for the Papers referred to.

THE EARL OF ST. GERMANS thanked his noble Friend for giving notice of his Motion, as it had enabled him to refresh his memory as to the particulars of the case. So far from complaining of the Motion, or the speech by which it was accompanied, he thought that if, as his noble Friend believed, Mr. Dixon was an aggrieved person, he had done no more than his duty in placing his case for redress before the House; and he had submitted that case to their Lordships in a speech characterized by great forbearance and discretion, as well as by a friendly spirit. It was unnecessary to advert to all the circumstances of the accusation against Mr. Dixon, as the noble Earl did not ask that further proceedings should be taken against Mr. Franks, his sole object being to obtain a reimbursement of the money of which he believed he had been mulcted on account of the extra police force in his neighbourhood, and he (Earl St. Germans) would therefore confine himself to that point. He must say, however, that he thought it was hardly fair to Mr. Franks to make this serious charge against him when he had no opportunity of defending himself. He really believed that Mr. Franks was not actuated in this matter by any unworthy motives. He was a magistrate of great experience, intelligence, and integrity, and totally unprejudiced against Mr. Dixon. But he (Earl St. Germans) wished to show, by reading extracts from certain papers he held in his hands, their Lordships that he did not exercise the discretionary power with which the Lord Lieutenant was vested by the Crime and Outrage Act on insufficient grounds in this particular instance. The first document he would refer to was a resolution agreed to at a public meeting of the magistrates of Queen's County, held at Castle Darrow on February 3, 1854, and presided over by the Lord Lieutenant of the county, Lord de Vesci. That resolution related the circumstances of Brophy of Castlewood being fired at on his way home between eight and nine o'clock at night, and requested the Government to offer a reward for the apprehension of the guilty party; and in consequence of the danger in which the man's life was placed from the threats which had at various times been made to him, strongly recommended the Government to send a party of police to the locality, under the Crime and Outrage Act, to be chargeable on the townsland, but suggesting that Thomas Brophy should be exempted from that charge. The magistrates who signed that resolution included Lord Ashbrook, Mr. Deasy, M.P., and others. The Irish Government also received a memorial from

Mr. Dixon, protesting against this measure, and a second one from another party, and these were transmitted to the Lord Lieutenant of the county, Lord de Vesci, who returned answer that he had carefully examined them, and that he entirely differed from most of the allegations of Mr. Dixon; that he held an investigation in conjunction with the magistrates, and, after a long and searching inquiry, they were fully convinced that such an outrage had taken place, and that a shot had been fired at Brophy with intent to take away his life; and his Lordship added that nothing had since taken place to alter his opinion upon the point; and his Lordship repudiated, in the strongest manner, Mr. Dixon's charge that the magistrates had desired the police force to be sent from personal feelings against him. On the 13th of July, in the same year, after the trial he (the Earl of St. Germans) received a deputation consisting of Mr. Dixon and other parties in favour of withdrawing the additional police force in the district; and his answer to them was that it would not be consistent with his duty in preserving the public peace to comply with their request, and that it was a satisfaction to him to find that he was confirmed in that view by the opinions of the Lord Lieutenant of the county, and all the county magistrates, including those resident in the district, as well as by those of the law officers of the Crown, and the Judge who tried the case. On the 24th of August following, Mr. Franks, the resident magistrate, wrote saying the necessity for an extra police force still continued; and on the 24th of December, 1856, nearly three years after this proceeding, he sent another letter to the same effect, and up to the present day it had not been thought expedient by the Government to remove the force. These facts would at least show that he (Earl St. Germans) did not act capriciously, nor in an arbitrary manner, but obtained the best information he could on the subject, and acted upon that information to the best of his judgment. He might mention, also, that although the production of these papers was ordered on the 20th of July, 1854, by the House of Commons, on the Motion of Mr. O'Brien, and were laid on the table on the 13th of August in the same year, up to the present moment, neither that hon. Member nor any other hon. Member had moved that they should be printed. As to the Motion of the noble Earl, he would neither oppose nor support it, being perfectly content to leave the matter to be dealt with by their Lordships as they should think fit.

THE EARL OF DONOUGHMORE said, he thought the noble Earl opposite (the Earl of Albemarle) ought to have informed himself more accurately as to the facts before he cast wholesale on so respectable and honourable a body of men as the magistrates of the Queen's County, imputations of this serious nature—imputations which he defied him to prove. As to Mr. Franks, he believed that gentleman to be entirely incapable of the conduct which had been laid to his charge; but what he wished to ask the noble Earl who had spoken last was, whether the Government had paid the damages and costs in the action for false imprisonment, in which Mr. Dixon had recovered £500, because, if they had done so, they adopted the conduct of Mr. Franks and completely exonerated him.

THE EARL OF ST. GERMANS said, that, speaking to the best of his recollection, he believed that the costs and damages were paid by the Government, who believed that Mr. Franks had acted honestly according to the best of his judgment. As regarded the child, he was placed in the charge of the wife of the governor of the prison, in order that he might be separated from his parents.

THE EARL OF EGLINTON wished to know out of what fund the damages were paid? There was a fund in Ireland called "the secret service money" at the disposal of the Lord Lieutenant, and that probably was the fund called upon for the purpose.

THE EARL OF ST. GERMANS believed the money was paid by the Government out of that fund, but not having had notice of the question he was unable to answer it exactly.

THE MARQUESS OF CLANRICARDE suggested that if the practice was to be that the Government should pay the damages and costs when a magistrate exceeded his duty and a verdict went against him, it ought to be generally known, and the same rule should be applicable to England as well as to Ireland. He hoped the papers would be laid on the table, that they might be able to form a more correct opinion upon the merits of the case.

EARL GRANVILLE said, there was no objection to the production of all the papers relating to the subject.

Motion *agreed to*.

THIRD REPORT OF THE STATUTE LAW COMMISSION—BILLS PRESENTED.

The LORD CHANCELLOR said, he had to call the attention of their Lordships to a subject very different from that with which they had just been occupied, but one of very great importance—namely, the Third Report of the Statute Law Commission; and he should conclude the observations he had to make by asking their Lordships to give a first reading to eight Bills, the object of each of which was the consolidation into a single statute of the whole of the law relating to an important portion of the Criminal law, and which were now dispersed over a great number of statutes. These Bills had been prepared by the Members of the Commission appointed in 1854 for the purpose of considering the expediency and possibility of consolidating the statute law of this country. This was a subject that had at all times occupied the attention of lawyers, and one which had been considered of the utmost importance from the earliest times of our legal history. It had been pointed out by Bacon, Coke, and Hale as one that the Legislature ought in some way or other to undertake. But all their recommendations ended in nothing. Finally, about forty years ago—in 1816—a Resolution was passed by their Lordships' House in favour of this work being undertaken, and carried into execution by our most distinguished lawyers. That Resolution was communicated to the other House in it; that House expressed its entire concurrence. There however, he regretted—or rather he was ashamed — to say, the matter ended, for no steps were taken to remedy the evil. If, however, that was an evil forty years ago, he need not say that in our day the evil had become infinitely more pressing; for there were every year added to the statute book from 100 to 150 Acts, so that no lawyer, even the most profound, ever pretended that he was able to make himself master of all the statutes of the realm. In order to remedy this state of things, in the year 1854 the Crown issued a Commission directed to a number of distinguished lawyers for the purpose of investigating the whole question. The first point which the Commission took into consideration was the different modes by which the object they had in view might be attained; and finally they came to the conclusion that it was better far to attempt to do something than to speculate on what might be the best manner of curing the evil. The difficulties which they had to encounter were undoubtedly enormous. It was suggested that they should at once proceed to systematize and consolidate some portion of the law. That appeared plausible, and no doubt was the correct mode of framing a code of laws; but then the duty laid on the Commission was not to frame a code of laws, but to consolidate the law as it now existed. After various dicussions, and having attempted in the first instance to take up what were called groups of statutes, and made some progress in that work, they found that it would not do, and that the only way to make any impression on the statute book was to take different subjects and consolidate all the laws relating to each of these subjects. This was not only attended with great difficulty, but with great danger. If they knew that any specified statutes contained all the provisions relating to a given subject, the task would have been easy; but there was not a single subject to which their attention was likely to be directed which was not probably treated of in many enactments; and it was impossible to be sure that every statute, or part of a statute, relating to a subject could be found and consolidated, and that some would not remain undiscovered, and, therefore, unconsolidated. In order, therefore, to proceed with certainty the Commission employed some gentlemen of great information and research to commence a register of the statutes, beginning with the statutes of the previous year, taking statute by statute and clause by clause of every statute, from chapter 1 of last Session to the end. These Gentlemen went to work, marking every enactment and every section, and every previous enactment to which any section referred, either in the way of repeal or modification. This implied great labour; but he was satisfied, in common with most eminent lawyers, that if the Statute Law Commission had done nothing else but complete this work they would have done something that was extremely valuable, for without such a process it would be impossible to make any progress in the consolidation of the law. It would now, however, be possible to publish an edition of the statutes containing all the enactments actually in force. But beyond that it would scarcely be believed how much that process had reduced the statute book in bulk. With the assistance of a very learned Member of the Bar the Commissioners then proceeded to divide the statutes into classes. He might remind their Lordships that there was a class of statutes which the public in general had very little to do with except in the year in which they were passed—those relating to the army and navy, passed every year, and some relating to the revenue and financial subjects. They next proceeded to divide statutes into classes ranged according to the extent of their operation, those relating to the United Kingdom being placed in one class, those applying to England alone in another, and so on, making in all thirteen classes. In that operation they had not proceeded beyond Her Majesty's reign; but of the Acts passed during the last twenty years it was found that one-third did not form what might properly be called the law of the country, such as the Appropriation Act, and all acts the force of which expired after a limited period. Taking out those statutes, the Commissioners proceeded to ascertain how many of the remainder applied to the United Kingdom. They found that only one-third so applied; and therefore three-fourths of the statutes which had been passed during the twenty years of Her Majesty's reign could form no portion of the statute law book if that book were to consist merely of laws which regulated the conduct of Her Majesty's lieges. The Commission had not gone further back than Her Majesty's reign; but when the operation was extended it would be found that the numbers of statutes to be excluded would be continually increasing, and the labour of consolidation be as continually diminishing; but still they could not be sure of embodying all the statutes upon each subject until they had gone through all the statutes from Victoria to Magna Charta. It might, then, be said that the examination not having been concluded no consolidation could be made. The commissioners had considered that point, and had come to the conclusion that upon some subjects of a popular nature, of which consolidation would be eminently useful, it would be undesirable to postpone action, merely because some prior enactments might possibly be overlooked. They had therefore selected a number of subjects, as to which it appeared probable that the consolidation would be perfect. Amongst these, acting upon the recommendation of a Committee of their Lordships' House in 1854, that the formation of a criminal code should be postponed, but that a consolidation should be effected, they had taken the criminal law. Besides the criminal law, they selected several other subjects in which they considered consolidation could be made tolerably perfect, depending as they did upon recent statutes, such as the laws relating to bills of exchange, to patents, to ecclesiastical leases, savings banks, &c. In all they had consolidated sixty-five statutes, besides nine others, which were now in the hands of the gentlemen who assisted the Commission. It must be understood that although the Commission employed the most skilled draughtsmen they could find, yet they had not asked Parliament to sanction any Bills which had not been gone through with the utmost care by those members of the Commission best qualified to judge of their merits. The Bills relating to the criminal law had been gone through by the noble and learned Lord Chief Justice, by the late Chief Justice of the Common Pleas, by a gentleman who was of the utmost assistance to the Commission, Mr. Greaves, and by Sir FitzRoy Kelly. These Bills he laid upon the table at the close of the last Session; but in the interval before reintroducing them this Session, it occurred to him that improvements might be made in them. They had been framed to include all indictable offences, but some offences became indictable after one or two previous summary convictions, and he thought it would be better to alter the shape of the Bills, and make them relate to offences whether indictable or punishable by some other mode. He (the Lord Chancellor) had gone through the Bills with Mr. Greaves, and he now asked their Lordships to read them a first time. They did not include all the subjects embraced in the Bills of last year, some of which he thought could be deferred without much inconvenience, especially criminal procedure, which ought not to be dealt with pending the inquiries now being made by the Government in consequence of an Address presented last Session to Her Majesty by the House of Commons upon the subject of the department of criminal justice. They had also postponed dealing with the subject of treason and offences against the State, which were not of a pressing nature. The eight Bills which he now asked the House to read a first time related to—1. Offences against the Person; 2. Larceny; 3. Malicious Injuries to Property; 4. Libel; 5. Forgery; 6. Coinage Offences; 7. Accessories and Abettors; 8. The Game Laws; which, although relating to a species of larceny, it had been thought best to deal with in a separate Bill. If he were asked whether those Bills were mere consolidations, he must reply that they were not; for the Commissioners had not felt themselves justified in overlooking the decision of the House in 1854, that in any Bills which might be prepared it was desirable that the Amendments that had been suggested by the Criminal Law Commissioners, and which had met with universal approval, should be embodied. Those alterations, he thought, would lead to no difference of opinion. Such, then, were the Bills which he proposed to lay on the table. There were several others quite ready to be laid before Parliament, but he thought it would be more convenient that they should be introduced in the other House. He thought he ought to tell their Lordships further that in proceeding with their work the Commissioners had come to several conclusions different from those to which they had arrived when they first considered the subject. It was felt that there were many ancient statutes, for example, which could not and ought not to be consolidated. It would be ridiculous pedantry to consolidate Magna Charta, the Act *Quia Emptores*, and other old statutes of the same class, which formed the basis rather than the superstructure of the statute law. The Commissioners had therefore come to the conclusion that with regard to all statutes of that sort they could do nothing in the way of consolidation. There were also a number of statutes expressed in such curious language and framed in so different a style from that of modern times, that if the Commissioners were simply to consolidate them, retaining as much as possible the old language, they would produce a piece of patchwork which it would not be creditable to lay before Parliament. One of the subjects to which that observation applied was the law relating to landlord and tenant, upon which a Bill had been prepared with singular care and skill by Mr. Bissett, a gentleman of some standing at the bar. There had been enactments upon the relations between landlord and tenant from the time of the Plantagenets down to the reign of Queen Victoria, and the Commissioners found that to consolidate all these into one statute would involve their being entirely rewritten, if it were desired to have the language harmonious throughout. Moreover, the language of the greater part of them had received a judicial construction, and there was great danger that in modernizing it the Commissioners might not be able to adhere to that construction. There were a great number of other statutes which, though comparatively modern, had yet been amended by one or two subsequent Acts, but in which the alterations were so few or unimportant that it would be a waste of time to consolidate them, either alone or in connection with the amending statutes. For example, in 1838 was passed an Act regulating the mode of framing, and in some respects of construing wills; but in consequence of some difficulties which arose in carrying it into operation a few years afterwards an amending Bill was introduced and carried through Parliament. He was not sure whether, in consolidating the law relating to real property, the Commissioners had consolidated these two statutes, or not; but they certainly came to the conclusion that it would be absurd pedantry to consolidate such modern statutes of that sort as had but few additions made to them, thinking it better that the original statute and the subsequent Act amending it should be taken together. So with respect to the statute abolishing fines and recoveries. Again, there were a number of statutes which could not be repealed, and yet which it would be equally absurd to consolidate. The Wills Act, which he had already mentioned, afforded a good illustration of his meaning. Before the passing of that Act in 1838 there was a law of Charles II. which regulated, up to that time, the formalities necessary with respect to wills. That law must still remain in force with regard to all wills made before 1838, but it would be hardly worth while to consolidate it. So with respect to the Tithe Commutation Act, which was fast working itself out, and which it would, therefore, be a waste of time to consolidate. There were other statutes in the same position; but after all deductions there still remained a very great number of subjects which the Commissioners had no difficulty in dealing with, and with which they were determined to proceed until their labours were concluded. He did not think that he could usefully occupy the time of their Lordships by stating more in detail the course which the Commissioners had been pursuing. It had been said that the Statute Law Commission had done nothing at all. If it was meant that they had introduced no Bills which had become law the statement was perfectly true. They could not possibly have done so. The difficulties had been great, but he trusted that they had now found their way to do good service; and if their Lordships would render their assistance in laying before the public that which would at all events be a useful specimen of the labours of the Commissioners, he was in hopes that in the course of a few years they might be able to reduce the forty or fifty volumes of statutes now in existence to ten, two, or three. The noble and learned Lord concluded by *presenting* the following eight Bills:—

A Bill to consolidate the Statute Law of England relating to Offences against the Person [Offences against the Person Bill].

A Bill to consolidate the Statute Law of England relating to Larceny and other similar Offences [Larceny, &c. Bill].

A Bill to consolidate the Statute Law of England relating to malicious Injuries to Property [Malicious Injuries to Property Bill].

A Bill to consolidate the Statute Law of England and Ireland relating to Libel [Libel Bill].

A Bill to consolidate the Statute Law of England relating to indictable Offences by Forgery [Forgery Bill].

A Bill to consolidate and amend the Laws against Offences relating to the Coin [Coinage Offences Bill].

A Bill to consolidate the Statute Law of England and Ireland relating to Accessories to and Abettors of Indictable Offences [Accessories and Abettors Bill].

A Bill to consolidate the Statute Law of England relating to Deer, Game, and Rabbits [Deer, Game, and Rabbits Bill].

Lord BROUGHAM said, he entirely approved the course which had been taken by his noble and learned Friend. Great misrepresentations had been made with respect to the Statute Law Commission, and he was glad that his noble and learned Friend had described exactly what the Commissioners had done and how far their labours of consolidation had proceeded. He was not prepared at that moment to go into the several subjects which had been broached by his noble and learned Friend, but he could not help remarking that the consolidation of the statute law apart from the consolidation of the common law was open to serious objection. There were many important parts of the law under its different heads which were not contained in the statutes, and to tell the people that they had to obey the latter only was merely to mislead and deceive them. The statement of the noble and learned Lord as to the value of the services of the Commissioners was by no means exaggerated, and if he were asked to mention one or two of the Commissioners who were more especially entitled to the thanks of the country, he would mention the names of Mr. Bellenden Ker, Mr. Coulson, and Sir FitzRoy Kelly.

Lord CAMPBELL said, he had no hesitation in concurring with his noble and learned Friend in approbation of the course adopted by the noble Lord on the woolsack, and he was sure their Lordships would willingly give these Bills a first reading. But he hoped the noble and learned Lord would be contented with that during the present Session, because it was desirable to see the work of consolidation as a whole, and to detect inaccuracies which, even with the utmost care, might still be discovered. He had never doubted that the whole statute law might be consolidated, but such statutes as that of the reign of Edward III. with regard to treason ought to be given *in ipsissimis verbis* in which they were originally enacted—it would evidently be most unwise to attempt to consolidate them.

The said Bills were then severally read 1^a.

ROMAN CATHOLIC CHARITIES.

RETURN MOVED FOR.

Lord ABINGER said, that in moving for the Return of which he had given notice, he must in the first place disclaim any disrespect towards the members of the Roman Catholic persuasion, who had been educated in the faith of their forefathers. He must, however, be permitted to say that he thought the Bill which stood on the paper for Second Reading to-morrow (the Roman Catholic Charities Bill) was likely to raise questions similar to those which had recently caused so much agitation in Belgium. There would, he thought, be little difficulty in furnishing the returns for which he was about to move, while he believed that their production would be of the utmost importance in order to enable the Government to legislate upon the subject of Roman Catholic charities with advantage. He was strongly the advocate of inquiry previous to legislation being entered upon, and he felt assured that the Government would act wisely in postponing the Bill he had referred to until such inquiry had taken place, and until they should be in a position to introduce a measure of a general nature, regulating the acquisition of property held in trust for the use of Roman Catholic and Protestant charities alike. It was most desirable, in his opinion, that the acquisition of such property should be fenced round with those precautions and safeguards which would prevent it from being turned to the advantage of insidious and designing persons, and he must contend that if the Bill to which he had adverted were passed the title to the description of property in question would be confirmed, no matter how contrary the form of its tenure to the provisions of the Statutes of Mortmain. It was a mistake to suppose that the interests of Roman Catholics generally were involved in the matter. The fact was that it was the Roman Catholic priests and the immediate agents of the Pope whom the Bill would benefit, and in support of that view of the case he might state that the evidence which had been given by the most intelligent and respectable witnesses who had been examined before the late Mortmain Committee went to show that what was most desirable for the benefit of the Roman Catholic laity was the application of the principles of the law of mortmain to personal property. It became, therefore, expedient to consider whether the uses to which any particular property was devoted were in themselves lawful, and how far it was in accordance with a sound policy to sanction its application to the use of monasteries, for instance, which were illegal institutions. To establish the principle that Roman Catholics might accumulate property for charitable purposes to any extent would be to take the best means of promoting the spread of the Roman Catholic religion in this country, and would be to walk in the path which had been trodden by Austria, by Italy, and by Spain, with what results he need not recall to the attention of the House. Their Lordships might depend upon it that if they were to bring about anything like equality between the power of the Roman Catholics, founded upon the possession of property, and that of the Established Church, they would be preparing the way for the outbreak of civil dissension; and it was therefore that he felt called upon to urge upon the House the necessity of proceeding in the matter with the utmost caution. The noble Lord concluded by moving that there be laid before this House—

"Return of Property in Lands, Mortgages, Houses, and Government Securities held in Trust or otherwise affected to the Use of Roman Catholic Charities in Great Britain, describing the Locality and Extent of such Landed Property and the Amount and Nature of the Securities, the Names of the Trustees, and the particular Uses to which such Property is applicable."

THE LORD CHANCELLOR said, that the noble Lord was premature in making the present Motion. At present the Charity Commissioners had no jurisdiction over Roman Catholic charities, and therefore it would be impossible to procure the return moved for by the noble Lord. The Roman Catholic Charities Bill would be brought under the consideration of their Lordships to-morrow, and if that Bill passed into law, the returns moved for by the noble Lord might be procured in future; but at present it was impossible to procure them.

Motion (by leave of the House) *withdrawn.*

MINISTERS' MONEY (IRELAND) BILL.

COMMITTEE.

Order of the Day for the House to be put into a Committee on the Ministers' Money (Ireland) Bill read.

Moved, That the House do now resolve itself into a Committee on the said Bill.

THE EARL OF CLANCARTY: Before the House decides upon putting the Bill into Committee, I beg to submit for the consideration of your Lordships, what appears to me to be a very sufficient reason for your not proceeding further with it. It is, I believe, an understood rule, that the result of any discussion upon the second reading of a Bill decides the question as to the adoption or rejection of the principle of the measure, and upon that question, after full debate, issue was joined upon the second reading of the Bill before the House. Now, my Lords, by the paper I hold in my hand, which is the record of the proceedings of the House giving the division list upon the occasion, I find it recorded that there was a majority of five in favour of the Bill; but the same record also shows, that the majority of the Peers present by whom the principle and provisions of the Bill had been discussed, who had fulfilled the duty of deliberating in this House upon the matters upon which they were to give advice to the Crown, decided by a majority of seventy-one to sixty-five, that the Bill should be rejected. These numbers, however, do not represent the total of those who were present at the debate, and who paired off either for or against the measure before the House divided; I was, myself, one of ninety-four Peers who so left the House, before the debate had ended. So that the majority of six, that was first recorded against the Bill, in fact represented the decision of a House numbering 230 Peers present. How was this decision annulled, and a majority of six against the Bill changed into a majority of five in its favour? Why, by the proxies of those who did not attend, and who very probably knew nothing about the measure, in favour of which their votes are recorded. The number of proxies were thirty-six for, twenty-five against the Bill; so that, in fact, the decision of 230 Peers present and deliberating was overborne and reversed by the vote that was called for of sixty-one absent non-deliberating Peers, probably unacquainted with the subject-matter of the debate. My Lords, such an anomaly can never have been contemplated in the exercise of the privilege of voting by proxy, and calls for consideration and correction in the Standing Orders of the House; but its bearing upon the question of the committal of the Bill must, I think, in reason and consistency be conclusive against your proceeding further with it. The preamble of the Bill, as of every Act of Parliament, winds up by the recital of these words, " be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons in this present Parliament assembled." Now, my Lords, these words would set forth what is plainly contrary to the fact. It cannot, with truth, be said of this Bill, that its enactment would be by and with the advice and consent of the Lords in Parliament assembled, as their decision was directly the reverse. To be consistent, you must say of this Bill, if it should become law, that it was enacted, contrary to the advice and consent of the assembled Peers, and without their authority, which, of course, you could not do, while the House of Lords is an essential part of the Legislature. Let it not be supposed, my Lords, that I undervalue the privilege of vote by proxy; I consider it a most valuable privilege and calculated to be of great public advantage if rightly used. What I deprecate is its abuse. As a general rule, I hold it to be the duty of a Peer to attend in his place in Parliament to advise upon the measures that may be submitted to the House; but there are occasions when business or sickness may prevent attendance, and some of the sagest and most venerated Members of the House are often compelled, by physical infirmity, to absent themselves. It is, I conceive, important to the conservative character of this House, that where the assembled Peers have adopted any measure of very questionable principle, the absent Peers should be enabled to record their opinions for or against the measure, so that if considered by the majority to be objectionable it may be rejected; and if adopted, it may have the general consent of the Peers absent or present; but it is quite a different thing where the assembled Peers have rejected the principle of a Bill, for absent Peers by their proxies to tender advice for its adoption; where such is the case, the usefulness of your Lordships' deliberations is at an end, and the Crown is deprived of the benefit of the advice and consent of this branch of the Legislature which is supposed to be tendered by those only who are in Parliament assembled. The Bill before the House, which has received a second reading, contrary to the advice and consent of the assembled Lords, involves principles most detrimental to the future good government of Ireland, and as a measure distinctly abolishing, without any compensation, an important branch of the property of the Established Church. I apprehend that the Crown cannot consent thereto consistently with the obligations solemnly accepted at the coronation. Surely, the House should pause before it sends forward such a Bill, and not allow Her Majesty to be advised to assent to it by absent Peers, who are probably ignorant of its provisions and contrary to the advice of that large assembly, whose deliberative voice was given against it. Had those who voted by proxy been in their places, I have no doubt they would have increased, instead of reversing the majority against the Bill; for, though they would have heard the arguments, such as they were, that the noble President of the Council urged in favour of the Bill, they would also have heard the unanswered and unanswerable speech of the noble Earl, by whom it was opposed (the Earl of Derby). Far be it from me to speak disparagingly of the abilities of the noble Earl opposite (Earl Granville) in recommending the measures of Government to the House. The noble Earl's addresses to the House are generally characterized by great ability and listened to with pleasure; but I never heard him so weak and so painfully at a loss for argument, with which to carry out the duty that devolved upon him of recommending this Bill to the House. What he said, he appeared to address to those behind, who were in the same boat with himself, or to the bar of the House, where, of course, there was no one to hear him; but he rarely addressed this side of the House, and never once looked towards the Lord Chancellor, the keeper of the Queen's conscience. How different was the speech of the noble Earl on this side; how freely his address was directed to the whole assembly of the House; every argument he used, every sentiment he expressed, every word he uttered, appeared to find an echo with every one that heard him; and, I am sure, had the Peers, whose proxies were called for on the division, been present, many, if not all of them, would have joined with the majority of the House in repudiating the measure. I will not detain your Lordships further, by going into the merits of the Bill, but viewing as I do the statement in the preamble as not borne out by the facts of the case, I think right to move, that the Committee on the Bill be deferred to this day six months.

Amendment *moved*, to leave out "now" and insert "this day six months."

THE EARL OF DERBY: My Lords, there is no person who feels more strongly than I do the demerits of this Bill, or who more objects to the principle, or rather to the want of principle, by which it is characterized; but I think my noble Friend on consideration will see that the present state of the House would render his Motion, to say the least, injudicious. I must also confess that I cannot altogether coincide in the arguments which have been used by my noble Friend, because they would go to say either that the system of voting by proxy should be abandoned, or—what my noble Friend seemed rather to point at—that proxies might be given on one side but not on the other. Had that been so, we should the other night have had a most satisfactory majority, and might have had no scruples of conscience at availing ourselves of that addition. However, we have the comfort of knowing—what to me is very satisfactory—that of the Peers present and who heard the debate there was a majority against the Bill. At the same time, I cannot flatter myself that listening to the arguments would have had any influence upon the minds of those who voted by proxy in its favour. That is a general principle; and, while my noble Friend has been speaking, I have been confirmed in my fears that such would not have been the case by looking over the list of Peers whose proxies were given. Looking through them generally, a set of Peers less likely to be convinced by argument I never saw. To speak seriously on this matter, however, I cannot help feeling that the difficulty of enforcing the existing law would be materially increased by the fact of a Bill for its repeal having received the sanction, not only of the other House of Parliament, but also of a small majority of this House; and, so far as I am myself concerned, although I continue to regard it as dangerous both in precedent and principle, it is not my wish to take any part in opposing the further progress of this Bill. I adhere to all the objections which I expressed the other evening, and I cannot help pressing on the reconsideration of Her Majesty's Government the very dangerous precedent which is involved in this Bill. For what does it do? By this Bill a tax on the one hand and a right to receipt on the other, which have subsisted for 200 years, and which were confirmed by a Parliamentary sanction only three years ago, are to be abolished, simply for the reason that the parties upon whom three years ago Parliament imposed the duty of collecting the tax tell the Government to its face that they intend to violate the law. I cannot conceive any proceeding on the part of the Government more dangerous to all rights of property, more calculated to shake all confidence in Parliamentary titles, or more likely to remove the idea that Parliament will adhere to what it has done and sanctioned. For some time past there have been many and anxious discussions upon the grant to Maynooth; and upon what ground has that been mainly defended? That, whatever may be the merits of the case, there is an implied contract on the part of Parliament; that there has been a Parliamentary grant which ought not lightly to be tampered with. That grant goes back for a period of only twelve years since it was placed on the Consolidated Fund, for only fifty years from the time when it was first made; and I should like to know how it is to be supported in the face of this Bill which abolishes ministers' money, although it has endured for 200 years. In this case, too, you propose not only to do away with taxation, but also to exempt all persons from the payment of arrears due within the last three years. I know that the Members of the Government will here meet me with the argument of expediency. They will say that these arrears form but a trifling sum, for the collection of which it is not worth while to keep up all the excitement and irritation, and to expose the Government to all the difficulties which now exist. I admit that. But see what you do. You say not only that in consequence of some persons having expressed their intention to violate the law they shall be freed from their obligations, but that persons who have violated the law shall have the benefit of their past violation, while those who have obeyed the law shall be placed in a worse position than those who have disobeyed it. Considering all these circumstances, I will ask Her Majesty's Government on which side the principle of expediency lies? I feel all the objections to this measure which I endeavoured to state—unsuccessfully I admit—the other evening. I think that the grievance of the tax has been altogether done away with by the Act of 1854, more especially by the provisions in that Act which enable the owners of property to redeem this tax at not more than fourteen years' purchase. I must say that I deeply lament, not so much from pecuniary considerations as upon the ground of principle, the course which Her Majesty's Government have—I believe reluctantly and unwillingly, and in the teeth of their former declarations with regard to this tax—pursued. At the same time, I admit that they have carried the second reading of this Bill. If they think fit to persevere with it, as I suppose they will, upon them must rest the responsibility. *Liberavi animam meam.* The division the other evening will serve as a solemn protest, on the ground of principle, of the majority of those present, and of a considerable minority of the Peers of England.

THE EARL OF CLANCARTY said, that after what had fallen from the noble Earl, he would withdraw his Motion against the Committee; but if the Government persisted with the Bill, he should, on the Motion for the third reading, move that it be deferred until that day six months.

EARL GRANVILLE: The noble Earl opposite (the Earl of Derby) has dealt so satisfactorily with the arguments of the noble Earl who first addressed your Lordships on this Bill that I shall not add a word in reference to the points on which he touched. Neither am I going to make another speech on the principle of the Bill; but I must say that the course which the noble Earl opposite proposes to take in reference to this Bill is both judicious and consistent. It is judicious, because, as he very justly pointed out, the difficulties which stand in the way of the enforcement of the law would be very greatly increased by the majority which sanctioned the second reading of the Bill the other evening; and it is quite consistent that the noble Earl should still retain all his objections to the Bill, although he does not intend to offer any opposition to its further progress. With regard to the analogy which the noble Earl drew between the abolition of ministers' money and the withdrawal of the Maynooth grant I draw a great distinction between the two cases, for in this case we have provided for the maintenance of the ministers who have hitherto been in receipt of this fund —[Lord REDESDALE: Yes, out of their own pockets.]—whereas the disendowment of Maynooth would leave the professors without their salaries. The principle on which we have acted, and which I believe to be a sound principle, is that it will be greatly to the interests of the Church in Ireland to give up, for the sake of peace and goodwill, a small portion of its revenues, which we see now can readily be made up by a little economy. We thought it would be for the interest of the Church in Ireland to remove the only open sore which is now left; and it is upon this principle, and this principle alone, that I have ventured to advocate this Bill.

Amendment (by leave of the House) *withdrawn.*

THE EARL OF WICKLOW said, that after the course taken by Her Majesty's Government in this House in reference to this part of the subject, he should only bring forward the Motion of which he had given notice *pro formâ;* but he wished, in justice to the petitioners, to point out how the position in which they were now placed differed from that in which they were placed when their petition was drawn up. When this Bill was before the late House of Commons at the commencement of the present year, the Commissioners saw in *The Times* newspaper that the right hon. Gentleman the then Chief Secretary for Ireland (Mr. Horsman) had made a statement in that House, in regard to their revenues and the surplus then in their hands, which they conceived to be totally at variance with the truth. They immediately waited on the Lord Lieutenant, with the Archbishop of Dublin at their head, and laid before him a true and exact statement of their revenue, showing that that which had been put down by the Irish Secretary as revenue was not revenue at all. To their astonishment, however, the statement was repeated by the same right hon. Gentleman in the present Parliament, and with an additional exaggeration. Their only resource, then, was to apply to their Lordships to be allowed to contradict this incorrect statement and to lay before them the true state of the case. No doubt the large majority by which this Bill had been affirmed in the other House had been greatly influenced by these very false statements; and he himself, opposed as he was to the principle of the Bill, if it could have been made clear that the Commissioners had such a surplus in their hands would not have voted against the Bill. But Her Majesty's Ministers in this House had taken a very different course, for they had acknowledged fairly and openly that there was no surplus. The Church Temporalities Act had always been considered in Ireland as a final settlement of the affairs of the Irish Church. It was well known that the funds applicable to the various purposes pointed out in that Act were not at that time in the hands of the Commissioners; it was a work of time to realize them:—and, now that the Commissioners were just placed in a position to carry out the intentions of the Church Temporalities Act, Parliament stepped in, snatched these funds out of their hands, and determined to apply them for the benefit of a certain number of the £10 householders in a few of the towns in Ireland. So that the great settlement of the Irish Church question was about to be upset for the clamour of a few £10 householders in Cork and other towns—for he believed that if the £10 householders of Dublin were canvassed upon the question, they would be found to be generally in favour of the continuance of the charge. This measure also, it should be remembered, did not originate with the Government, although Ministers had since adopted it. Looking at all these circumstances, and at the quarter from which the Bill proceeded, he was very much surprized that the Government had taken charge of it. Equally surprized was he at the manner in which the noble Earl opposite (the Earl of Derby) had abandoned his opposition to the Bill. The Archbishop of Dublin—generally a supporter of the Government—was strenuously opposed to the Bill. His Grace expressed it as his opinion that the Bill would commit a cruel injustice by robbing the Church for the benefit of a few householders, and he trusted that at any rate the House of Lords would not refuse the Commissioners a hearing or insist upon legislating in the dark. These were the views of the Archbishop of Dublin, and he had felt it to be his duty to lay them before their Lordships. This was simply a landlord's question; for the owners of property, and not the occupiers of houses would be benefited by the Bill, and if the Government chose to apply to this tax the principle of the vestry cess, and gave the Lord Lieutenant power to collect the money, they would overcome all the difficulties that at present existed to the collection of the tax. He would now move *pro formâ*, That the Ecclesiastical Commissioners for Ireland be heard by counsel against the said Bill upon their Petition (presented to the House on Monday last).

THE DUKE OF ARGYLL said, though the Government might feel safe as to the further progress of this Bill, he was not satisfied with mere success, but wished to see it admitted that there was nothing unjust in the principle of the measure. In the discussion the other night, the question raised by almost every noble Lord who spoke, with the exception of the noble Lord opposite (the Earl of Donoughmore) was, whether there was or was not a surplus in the hands of the Ecclesiastical Commissioners; and it was said that a discrepancy on this point existed between the statements of the Government in that and the other House of Parliament. Now, if their Lordships looked at the statutory interpretation of the word "surplus," he thought the difficulty which had been raised on this point would be greatly removed. By the 77th clause of the Church Temporalities Act, the surplus was declared to be that which remained after certain purposes and liabilities laid down in the Act had been provided for. The clause stated that "when and as soon as in any one year the Commissioners shall have any surplus after due provision has been made for the several purposes hereinbefore mentioned," &c. The argument the other evening was, that the augmentation of small livings was one of the purposes for which provision was to be made by the Commissioners, and it was said this Bill would interfere with that duty. But the augmentation of small livings was not mentioned in the Act till the 93rd clause, and therefore was not one of the things that came under the meaning of the phrase "hereinbefore mentioned" in the 77th clause. It could not be doubted, that if the towns affected by this tax were polled, the result would be a complete condemnation of the impost. It had been objected that no substitute was provided; but it should be remembered, that the only substitute proposed for vestry cess when it was abolished, was a tax upon the incomes of the clergy. The course adopted by the Ecclesiastical Commissioners was to meet at a certain period, when, after estimating the probable amount of the income for the ensuing year, and the amount of their fixed charges, they struck a balance which was to be appropriated to the repair of churches and other purposes. The only effect of this, if passed, would be to place £12,000 a year upon the fixed charges, and leave the Commissioners £12,000 less to dispose of in other ways. The tax was one which was felt to be oppressive by the Catholics of Ireland, and it was in the real interest of the Protestant Church that the Government had proposed its abolition.

THE BISHOP OF KILMORE said, that an attempt had been made to justify the abolition of ministers' money by what had been done in the case of vestry cess. But the two cases were widely different. But when the Church Temporalities Act abolished vestry cess, it only deprived the Church of the right of taxation, the exercise of which was optional, and did not take away any actual property: the vestry cess could have been practically abolished without any Act of Parliament, had the vestries refused to make any assessment. But by this Bill the Irish Church was deprived of actual property, for ministers' money was property conferred on the Church by Act of Parliament, and sanctioned by an existence of nearly two centuries. At the same time he approved of the intention of the noble Earl opposite to abandon any further opposition to this measure; and he must say that, from the friendly expressions towards that Church which had fallen from various Members of that House during the debate, and particularly from the Government, he hoped that the case of that institution would, on another occasion, receive favourable attention and consideration, and that any attempts which its friends might make to develop its resources would be met in no adverse spirit. It would, indeed, be necessary that something should be done to increase its revenues if this Bill were passed; for, after it became law, while the income of the Ecclesiastical Commissioners was £99,000, the expenditure would be £97,000, leaving only £2,000 applicable to the augmentation of small livings, of which there were 302 under £100 a year, and for the building fund. He believed that the income of the Church might be increased by a more economical management of the parochial church funds amongst the parishioners; but only a very small increase of revenue could be expected from this source. Much more might be anticipated from giving the Ecclesiastical Commissioners the power which they did not now possess, of dealing with the property vested in them in the most advantageous manner, and of raising the fines payable on renewals in the same way which a Bishop, or other private person, might do. He certainly did hope that, if after the passing of this Act, any proposition was made for enabling the Commissioners so to manage the property of the Church, as to derive from it a greater revenue than at present, it would receive the favourable consideration of the Government.

THE EARL OF DONOUGHMORE denied that there was any analogy between ministers' money and vestry cess. There was no force in the argument which the noble Duke opposite (the Duke of Argyll) had derived for the language of the 77th section of the Church Temporalities Act, and from the fact that the augmentation of small livings was not mentioned till the 93rd section of the same Act; for by an Act passed in the reign of Her present Majesty the Ecclesiastical Commissioners of Ireland were expressly directed to apply these funds to this purpose. While fully coinciding in the course pursued by his noble Friend (the Earl of Derby) in not further opposing this measure, he must warn the House that it sprung from a settled desire on the part of the Roman Catholics in Ireland to agitate against the very existence of the Established Church, and not to rest satisfied with anything short of its abolition, nor, he feared, would the present Bill in anywise induce them to give up that determination. It was folly to talk of this Bill as a message of peace—as a measure for securing tranquillity—as a means of putting a stop to agitation, and of securing the undisturbed existence of the Protestant Church. The Act of 1833 was based on broad, intelligible, and true principles; it took nothing from the Church. But this measure rested on no principle, for it was a simple transference of the property of the Church to the householders of certain towns, and those not the largest in Ireland. It was perfectly ridiculous to yield to so small an agitation as that which had been got up against ministers' money, and he could only take this Bill as an evidence of want of determination on the part of Ministers to make that stand which must be made somewhere if the existence of the Irish Church was to be upheld against the agitation which the Catholics were carrying on, and would continue to carry on, against it. He still felt the same objections to the measure that he had expressed on the second reading; but as the Government had carried the second reading, he would leave to the majority the responsibility of passing the Bill.

The Marquess of WESTMEATH said, he believed that so long as there was a Protestant Institution in Ireland the Roman Catholic clergy would never let the Protestant religion exist in quiet. Let not the Government "lay the flattering unction to their souls" that this concession would give religious peace in Ireland. He did not think that the Roman Catholic laity had those feelings of hostility towards the Protestant Church. If they were let alone this kind of religious dissension would not continue. The Roman Catholic clergy would talk against the Church as long as they were permitted, and until they were able to strike it effectually, which they would not fail to do.

Viscount DUNGANNON said, he could not agree in the principle of withdrawing any further opposition to this measure. He thought it was a bad measure, and that it ought to be opposed to the last. It appeared to him to be an extraordinary way of displaying a friendly feeling towards the Church to take away one of its supports in Ireland. It was admitted on all hands that the Ecclesiastical Commissioners had not sufficient funds to supply the deficiency that would be occasioned by the abolition of ministers' money. He thought of all dangerous precedents ever established this was one. He thought that this was the most glaring of all acts of injustice. Of all the outrageous acts of spoliation committed against the Established Church in his opinion this was the most flagrant. He regretted exceedingly that the noble Earl with whom it was his pride generally to act had withdrawn all further opposition to the measure. He confessed he was at a loss to understand the reason why he had adopted that course. He viewed this Bill as the first step in the downward movement, which would be followed by the most disastrous consequences to the Established Church in Ireland. The Government were establishing a precedent which he thought was fraught with mischief and glaring injustice.

On Question, *Resolved* in the *Negative.*

The Earl of ELLENBOROUGH said, he had placed an Amendment before Her Majesty's Ministers. He was not disposed to detain their Lordships by urging arguments in support of it. He would leave it in the hands of the Government to do what they liked with it.

Earl GRANVILLE said, the Bill did not deal with the re-organization of the Ecclesiastical Commission, and, therefore, he did not think that that was a proper time to discuss the Amendment of the noble Earl. The Government would, however, be willing to take the Amendments generally into consideration, with a view of shaping some measure to effect the object they had in view.

The Earl of WICKLOW thought, under those circumstances, it would be much better to postpone the further progress of the measure until the Amendments were considered.

Earl GRANVILLE said, he was of opinion that no advantage could result from the postponement of the Bill. The Government were prepared to give due consideration to the Amendments which had been suggested, and he felt assured that in adopting that course they would have the full co-operation of the Ecclesiastical Commissioners themselves.

The Bishop of KILMORE said, that he should be sorry that the passing of the Bill should lead to an agitation upon the clergy of the Established Church against the Maynooth grant, by way of reprisal for the abolition of ministers' money. The adoption of such a course would, in his opinion, be unworthy of their sacred calling.

Original Motion *agreed to;* House in Committee accordingly; Bill *reported,* without Amendment; and to be read 3^a on Friday next.

House adjourned at a Quarter past Nine
o'clock, till To-morrow, Half-past
Ten o'clock.

HOUSE OF COMMONS,

Monday, June 22, 1857.

MINUTES.] NEW MEMBER SWORN.—For Carmarthenshire, David Pugh, esq.

PUBLIC BILLS.—1° Court of Session (Scotland); Public Charities; Crown, &c. Suits (Scotland); Bankruptcy and Real Securities (Scotland); Bill Chamber (Scotland).

2° Reformatory Schools; Sites for Workhouses.

ROCHDALE ELECTION — COMMITTEE— PRIVILEGE—QUESTION.

COLONEL FRENCH rose to put a question to the Speaker connected with the privileges of the House. He had always understood that a Committee of that House did not possess any power which the House itself had not; and he believed it would be generally admitted that no Member could be excluded from the debates unless there was some question under discussion personally affecting himself, while, even then, a Member was permitted to make a statement before he retired. As the House was aware, a Select Committee was appointed late last week to inquire into certain proceedings connected with the petition against the return for the borough of Rochdale. There were two forms in which a Committee could be appointed—namely, either as a Select Committee (as in this instance) or as a Secret Committee. If the House thought it advisable that an inquiry should be conducted in secret, it had the power so to order, and it had frequently done so. During the last forty years there had been some twelve cases of the House directing inquiries to be carried on in secret. Now, the Select Committee appointed to inquire into the circumstances connected with the Rochdale Election petition, without any knowledge different from that which the House possessed when it appointed them —because they had not then taken any evidence—had thought fit to convert themselves into a Secret Committee. A great number of lawyers sat on that Committee, and therefore they had skilfully avoided committing themselves; they did not issue an order that no Member should be admitted, but they worded their notification in a peculiar way, to the effect that it was the opinion of the Committee that the public service would be promoted by the Members present being confined to those who had been selected to serve on the Committee. In common with other hon. Members he had been rather anxious to witness the proceedings, and knowing that the Committee had no right to exclude him he went to the Committee-room. He was received with great courtesy by the members of the Committee. It was perfectly competent for him to remain, notwithstanding the unanimous opinion of the Committee; and if they really believed, as he supposed they did, that the presence of any Member would have injured the public service, or prejudiced the inquiry, he thought they had but one course to pursue —namely, to adjourn till that (Monday) evening, and then apply to the House for further instructions. Under the circumstances, he had deemed it better to withdraw from the Committee-room. But he now took the liberty of asking the Speaker whether a Select Committee appointed by that House had power, either directly or indirectly, to constitute themselves a secret tribunal.

MR. HENLEY: Sir, before you answer that question I hope you will allow me to make a suggestion to the House, as the Committee of Privileges did me the honour to ask me to preside over its deliberations. That Committee was perfectly well aware of the distinction between a select and a secret Committee. The hon. Member has said that he thinks the Committee was of opinion that its character ought to be changed, and that our duty was not to have proceeded with the inquiry but to have adjourned until the opinion of the House was asked as to whether it should be a select or a secret Committee. It is in the recollection of those hon. Members who were here late on Friday night, when this Committee was appointed, that the first thing proposed was that it should not meet till Monday; but, in consequence of a strong opinion expressed by various Members of the House, the unusual course was taken of appointing it to meet on Saturday. Many Members were apprehensive that if the Committee did not meet forthwith the ends of justice might be defeated. Under these circumstances the Committee met on Saturday. We were, of course, to a certain degree unaware of the nature of the evidence that might be given by Rothwell and Lord, who were the witnesses to be examined on that day. In exercising the discretion which the House intrusted to us we thought we should best carry into effect the view of the House by resolving that no person but a Member of the Committee should be present during the taking of the evidence. We, however, did not presume to exclude any Member of the House. There were, as the hon. Gentleman has said, many legal gentlemen on the Committee, and I may answer for them—though, generally speaking, it is very unadvisable to attempt to answer for such gentlemen,—that they would not presume to exclude any Member from the room. The view which we took as to what was most conducive to the public service received, I think, a most remarkable confirmation, because all the Members—and there were not a few—who were not on the Committee, but who at first desired to be present, immediately assented to the propriety of our view by abstaining from coming into the room. They, in fact, showed no disposition to come in after they became aware of the opinion of the Committee. After the inquiry was terminated on Saturday we saw no reason why the same course should be pursued on Monday, and therefore the public, as well as hon. Members, have been admitted.

MR. SPEAKER: In answering the question put to me by the hon. Member as to the rule of the House upon this subject, I have to state that cases of late years have occurred, and that a very distinct ruling upon this matter has been delivered from this Chair by my immediate predecessor. On the 23rd of February, 1849, he stated that, according to the rules of the House, every hon. Member has the privilege of attending in a Committee, unless it be a Secret Committee. The usual practice has been that during the deliberations of the Committee other hon. Members have left the room. There have been instances in which hon. Members would not leave the room, and where, on the application of the Committee, the House has granted the power of excluding hon. Members. The rule, therefore, has been very distinctly laid down—and it was assented to by the House—that hon. Members are privileged to attend in Committees. Indeed, there does not appear to have been any difference of opinion between hon. Members and the Members of the Committee upon this subject. The hon. Member does not ask me a question as to an exercise of discretion on either side, and I therefore think it fitting to confine myself to announcing what is the rule of the House.

Mr. Henley

DISTRIBUTION OF THE VICTORIA CROSS.

QUESTION.

COLONEL FRENCH said, he would beg to ask the right hon. Baronet the First Commissioner of the Board of Works whether any arrangement had been made for the accommodation of Members of both Houses of Parliament on the occasion of the distribution by Her Majesty of the Victoria Cross?

SIR BENJAMIN HALL: Sir, I am directed to state that the object of the Government is to provide as much general accommodation as possible, and not to give more exclusive accommodation than is absolutely necessary; and I have received instructions to make arrangements as follows—There will be a centre compartment for the Queen; there will be two other compartments, one on the right and the other on the left, to accommodate the members of the *corps diplomatique*, the great officers of State, both past and present, and distinguished naval and military officers, inclusive of the relations of those officers who are to receive the decorations from Her Majesty. Independent of this there will be wings to these compartments, one on the north and the other on the south, affording room for about 7,000 or 8,000 persons. These persons will be admitted by tickets, which must be applied for at the Quartermaster General's office, Horse Guards, and any Peer or Member of Parliament desirous of attending will receive a ticket on making application on or before Wednesday evening. There will be a large space of ground in the park for the public who do not obtain tickets.

ORDNANCE SURVEY—QUESTION.

MR. LIDDELL said, he wished to ask the Secretary of the Treasury, what progress had been made in the Ordnance Survey for the county of Northumberland?

MR. WILSON said, that the Ordnance surveys of Newcastle, Tynemouth, and Alnwick had been completed, as well as that of the mineral parts in the south-west of the county of Northumberland. The maps would have been published almost immediately upon a twenty-five inch scale but for the decision which was arrived at by the House the other night. They would therefore now be published on a six-inch scale. He had been informed that the maps would be published towards the end of the year. The remainder of the county would be surveyed upon a six-inch scale.

SIR DENHAM NORREYS said, he wished to ask the Under Secretary for War, Whether any communication has been received from Colonel James (the Director of the Ordnance Survey Department) stating that the plans appended to the Army Estimates, which were signed by him in October, and were issued to the Members of the House of Commons in February last, were incorrect, in so far as they represent the county of Durham to have been surveyed and drawn on the scale of six inches to the mile, whereas, in fact, they were drawn to the scale of twenty-five inches to the mile? When such Communication was made, and why it was not communicated to the House previous to the Report on the Army Estimates being brought up? By what authority the Survey of the county of Durham was drawn to the scale of twenty-five inches to the mile; and whether there will be any objections to lay on the Table of the House Copies of the authority under which such Survey on the enlarged scale was adopted, and of any Correspondence relating thereto?

SIR JOHN RAMSDEN said, no communication of the kind referred to had been made by Colonel James before the bringing up of the Report on the Army Estimates. The map contained in the Army Estimates is published in order to show the state of the publication of the survey of England and Wales. It was perfectly true that Durham was drawn on the twenty-five-inch scale, but the drawings would be reduced by the photographic process, and would be published on the six-inch scale. The authority on which Durham is drawn on the twenty-five-inch scale was the Treasury Minute of the 18th May, 1855.

THE ISLAND OF PERIM—QUESTION.

MR. WHITE said, he would beg to ask the President of the Board of Control, seeing that the island of Perim, in the Straits of Bab-el-Mandeb, has been recently occupied in the name of the British Crown, whether the privileges of a free port have been or will be accorded thereto?

Mr. VERNON SMITH said, that the island of Perim was occupied by the Indian Government so long ago as 1799; it was re-occupied by the Marquess of Wellesley in 1801, and our possession had been undisputed since that day. The hon. Member was mistaken, therefore, in saying that the island had been "recently occupied." Perim was described as an island five miles in length, and its re-occupation now was with a view to the establishment of a lighthouse thereupon. As far as he knew no port existed. There was, however, a harbour, and any dues which were levied for the purpose of defraying the charges of the lighthouse would be levied equally on both foreign and British ships. There might be other islands in the Red Sea where it might be advantageous to erect lighthouses, but the present one being in the possession of the East India Company, it had been selected first. For the reason he had stated there was no intention of making it a free port.

CONSTABULARY FORCE (IRELAND).
QUESTION.

SIR EDMUND HAYES said, he wished to ask the Chief Secretary for Ireland whether he intends to introduce a measure during the present Session for the better distribution of the constabulary force in Ireland.

MR. H. A. HERBERT said, that it was his intention to introduce the Bill for the re-allocation of the Irish constabulary which was promised by his right hon. Friend the Member for Stroud (Mr. Horsman).

FACTORY INSPECTORS' REPORTS.
QUESTION.

MR. COBBETT said, he would beg to ask the Secretary of State for the Home Department whether the Reports of the Factory Inspectors for the half-year ending on the 30th of April last, have been received by him, and when they will be laid on the table of the House?

SIR GEORGE GREY said, the Reports in question had been received by him, the letter transmitting them being dated the 9th of the present month. It was, however, quite necessary that the Secretary of State should have time to make himself acquainted with their contents previous to laying them before Parliament, but he believed the Reports would be presented by to-morrow or the next day.

THE RED RIVER SETTLEMENT.
QUESTION.

MR. C. FITZWILLIAM said, he wished to ask the Under-Secretary for War whether the Canadian Rifles, now proceeding to the Red River, have been sent at the request of the Hudson's Bay Company; and whether for the purpose of protecting the trade of the Company, in consequence of information received that any portion of the territory north of the boundary line is likely to be, or has already been, occupied by settlers from the United States.

SIR JOHN RAMSDEN said, his hon. Friend was quite right in assuming that the Canadian Rifles had been sent to the Red River at the request of the Hudson's Bay Company. They had not been sent, however, in consequence of any infringement of the British territory by the settlers of the United States, but merely for general purposes, it being considered undesirable that so large and isolated a settlement should be left entirely unprotected. The force now sent was not a new one; it was merely the re-establishment of an old garrison.

OATHS BILL.

AMENDMENTS CONSIDERED.

Bill, as amended, considered.

MR. SEYMOUR FITZGERALD said, that on a former occasion he had expressed his opinion, on the ground both of justice and of propriety, that the clauses which it was now his duty to propose should be inserted in the Bill. At that time he understood, in common, he believed, with all the hon. Members on his side of the House, that the noble Lord at the head of the Government intended to resist these clauses whenever they were proposed. Since he had come down to the House, however, he had been informed that Her Majesty's Government had abandoned that Resolution, and did not now mean to offer any opposition to the adoption of the clauses. That being the case, it became quite unnecessary for him to trouble the House with those observations which it would have otherwise been his duty to offer. He could only congratulate hon. Members near him that it was from the Opposition side of the House that a Motion proceeded which had compelled the Government to do that which all parties appeared to agree in thinking to be right and just. He could also say that, had this Motion been opposed, and had a division been taken upon it, he believed, judging from the assurances he had received from many independent Members, as well as from those who generally supported the noble Lord, that although the Government might have succeeded in their opposition, the result of the division would not have been altogether satisfactory to them. In the present instance, therefore, discretion was the better part of valour as far as they were concerned. As he understood that the Government consented to the introduction of the clauses which stood in his name on the Notice Paper, it would merely be necessary for him now to move their insertion.

SIR EDWARD DERING seconded the Motion.

Clause, "Provided always, and be it enacted, that nothing herein contained shall extend, or be construed to extend, to enable any person or persons professing the Jewish religion to hold or exercise the office of guardians and justices of the United Kingdom, or of regents of the United Kingdom, under whatever name, style, or title such office may be constituted, or to enable any person to hold or enjoy the office of Lord High Chancellor, Lord Keeper, or Lord Commissioner of the Great Seal of Great Britain or Ireland, or the office of Lord Lieutenant, or Deputy, or other Chief Governor or Governors of Ireland, or Her Majesty's High Commissioner to the General Assembly of the Church of Scotland, or any place or office whatever of, in, or belonging to any of the Ecclesiastical Courts of Judicature in England or Ireland respectively, or in any Courts of Appeal, or review of the sentence of such Courts, or of, in, or belonging to the Commissary Court of Edinburgh."

Brought up and read 1°.

On Motion that the Clause be read 2ª,

VISCOUNT PALMERSTON: When, Sir, upon a former stage of this Bill, I was asked whether it was the intention of Her Majesty's Government themselves to propose to put into the Bill provisions resembling those which the hon. and learned Member has moved, I stated that it was not our intention to make such a proposition; and the reason was that the contingency which these provisions were intended to guard against appeared to me to be so very unlikely to happen that it was scarcely worth while to make special provision in an Act of Parliament for these assumed cases. But, Sir, we are exceedingly anxious that this Bill should pass. We think it would be a very advantageous measure, both as regards hon. Members who have to take the oaths now, and persons who are at present excluded from this House. If, therefore, as we are led to believe, the adoption of the clauses proposed by the hon. and learned Member would tend in any degree to render more likely the passage of this Bill into a law, we should hold ourselves deeply responsible if, from any fancied objection, we raised any opposition to that which we felt was so desirable. Therefore, Sir, upon that ground—not ourselves attaching any great importance to the provisions, but thinking them wholly unobjectionable, and believing that by their adoption we may render more probable the successful issue of this Bill—I am happy to give my support to the clauses of the hon. and learned Gentleman.

SIR FREDERIC THESIGER said, he did not know what the result of this extraordinary unanimity would be. Of course, if the clauses were agreed to, there would be an end of the question; but he begged to say, that if any hon. Member divided the House, he did not mean to vote upon the question, because he would not be supposed to sanction in any way the principle of admitting the Jews to Parliament.

SIR GEORGE GREY said, the Lord Advocate had suggested an Amendment by striking out that part in this clause, which referred to a Court (the Commissary Court of Edinburgh) which now no longer existed. It would be necessary, therefore, to omit the words "or of, in, or belonging to the Commissary Court of Edinburgh."

MR. SEYMOUR FITZGERALD observed, that he had certainly compared the clause with those in the Roman Catholic Relief Act of 1829, but he had taken the words pointed out by the right hon. Gentleman from a Bill, on the back of which he found the names of the noble Lord the Member for the City of London, the right hon. Baronet the Home Secretary, and the Lord-Lieutenant of Ireland. If, therefore, he had been led into error, it was attributable to that Bill.

SIR GEORGE GREY said, that that Bill had been prepared some seven years ago, and that the Commissary Court of Scotland had been abolished since.

Amendment *agreed to*; words struck out.

Clause, as amended, read 2°, and *added* to the Bill.

On the Motion of Mr. SEYMOUR FITZGERALD the following clauses were *brought up* and read 1°.

"And be it enacted, that where any right of presentation to any ecclesiastical benefice shall belong to any office in the gift or appointment of Her Majesty, her heirs or successors, and such office shall be held by a person professing the Jewish religion, the right of presentation shall devolve upon and be exercised by the Archbishop of Canterbury for the time being."

"And be it enacted that it shall not be lawful for any person professing the Jewish religion directly or indirectly to advise Her Majesty, her heirs or successors, or any person or persons holding or exercising the office of guardians of the United Kingdom, or of regent of the United Kingdom, under whatever name, style, or title such office may be constituted, or the Lord Lieutenant or Lord Deputy, or other Chief Governor or Governors of Ireland, touching or concerning the appointment to or disposal of any office or preferment in the United Church of England and Ireland or in the Church of Scotland."

On Motion that the said clauses be read 2°.

MR. DILLWYN considered that the Oaths Bill, with the proposed clauses, would be a Bill in the nature of a Bill of pains and penalties, and he should protest against it.

MR. WIGRAM said, that the proposed clauses provided that Jews should not obtain certain distinctions which he did not believe any hon. Member in that House ever objected to Jews, as Jews, arriving at. What hon. Members who made objections to the Oaths Bill wanted was, to make the professien of Christianity one of the qualifications for Members of that House; but instead of that, they were bound by the clauses now before the House to distinctly exclude Jews and Jews only from certain privileges, whereas, if there was any class of the non-professors of Christianity to which he would accord those privileges, it was to the Jews. He certainly should prefer Jews to Hindoos, Mahomedans, and especially to Deists. He really thought they were going to send the Bill to the House of Lords in as absurd a shape as it could well assume.

THE MARQUESS OF BLANDFORD said that, although he gave the highest credit to his hon. and learned Friend for his intentions in having introduced these clauses, his opinion with respect to the measure remained unchanged, and he therefore felt himself bound to persevere in taking the sense of the House upon the third reading.

MR. NEWDEGATE would remind the House that the noble Lord the Member for the City of London, eight years ago, abandoned clauses similar to those now proposed, because he felt that they furnished the most apt illustration of the objections to this Bill which could be afforded. What was the House now about to declare? Why, that the Jew was competent in his legislative capacity, to create or dispose of offices which he could not fill. They were electing him as law-maker, but in the same breath they were voting that he was not fit to administer the law. He begged that he might not be understood to be one of those who had considered that the insertion of those clauses was a removal of the objections to the Bill; but he again repeated that he viewed them as an illustration of the objections to the Bill, an illustration so striking that all attempts to introduce those clauses had been abandoned for eight years.

MR. BENTINCK quite agreed with his hon. Friend the Member for North Warwickshire that the clauses about to be inserted in the Bill showed the absurdity of the whole measure. In fact, there could not be a stronger illustration of that absurdity. He now wished to observe that whatever might be the result of the attempt to pass the Oaths Bill, there was no hon. Member of that House who was a sincere and determined opponent of the proposition to admit Jews into Parliament, but owed a deep debt of gratitude to his hon. and learned Friend the Member for Stamford (Sir F. Thesiger) for the ability and determination which he had shown in combating the measure. To him they had looked on this occasion, to him they owed their thanks. He believed that that opinion was not confined to that House, but was shared in by the country. The noble Lord had said that he was anxious the Bill should pass, but he (Mr. Bentinck) did not think that the country shared that anxiety; on the contrary, he believed that the country generally was opposed to the measure, and that the approval of it given by the House of Commons was owing to the fact that the noble Lord the Member for the City of London had pledged himself to the constant agitation of the question of the exclusion of the Jews from Parliament.

MR. GILPIN said, that his experience led him to a very different conclusion from that which had been arrived at by the hon. Gentleman who had just sat down; for wherever he had gone he had seen a feeling evinced in favour of this Bill, arising not so much from a consideration for the Jew, as from an earnest and hearty desire to abolish that portion of intolerance which yet remained upon our statute-book—that rag of intolerance about which zealots still howled while they talked so glibly of Christian charity. For himself, he looked upon it that one act of mercy, one deed of liberality, was worth whole cartloads of such arguments as they had heard from

Gentlemen opposite, from the prophetic denunciations of the hon. and learned Member for Stamford to the ponderous denunciations of the junior Member for North Warwickshire.

Motion *agreed to;* Clauses read 2° and added to the Bill.

Bill to be read 3° on *Thursday.*

ASSAULTS UPON WOMEN—QUESTION.

Order of the Day for going into Committee of Supply read.

VISCOUNT RAYNHAM said, that he wished to put a question to his right hon. Friend the Secretary of State for the Home Department with respect to the administration of the law in cases of assault upon females, which he regretted to say appeared to have been on the increase since the rejection recently of his Motion for a Committee of inquiry into the subject. No fewer than three cases of ferocious assaults on women were recorded in that day's paper alone. In one case a man who was charged with a murderous assault upon his wife—having stabbed her in the face with a knife—appeared to be quite indifferent to the charge made against him, and being very properly sentenced by Mr. Combe, the magistrate, to six months' hard labour—being the full extent of the punishment which the magistrate had it in his power to award—he said, laughing, "That's just what I want; that'll serve her out." In another case a man was charged with a ferocious assault upon his wife, and he also treated the matter with great unconcern. Mr. Secker, the magistrate, in adjudicating upon this case, said—

> "It was melancholy to see a man in his respectable position of life charged with committing a series of brutal assaults on his wife. From the state of her body it was clear that he was in the habit of continually illusing her. Under all the circumstances he should not be doing his duty to the public unless he put the law in force with some severity. He must therefore be committed to the House of correction for two months, with hard labour."

He (Viscount Raynham) trusted, therefore, that the Government would see the necessity before long of making some alteration in the law applicable to such cases; and he would also beg to ask his right hon. Friend the Home Secretary whether, in his opinion, Mr. Secker had inflicted the proper punishment in the second case he had alluded to, and, if in the opinion of the Home Secretary he had not done so, whether any step would be taken to alter the sentence.

SIR GEORGE GREY said, that, not having seen the particulars of the cases to which his noble Friend had adverted, he should be sorry to express an opinion as to whether the magistrate in exercising the discretion vested in him by the law with respect to the punishment which he awarded, had acted with sound judgment or not. He had not the least reason to doubt that the discretion exercised by the magistrates in question was a sound discretion. With respect to the operation of the existing Act, he would refer to a letter written by one of the police magistrates to the right hon. Gentleman the Chairman of Committees, in which letter the writer states that the Act had had a very great influence in checking the offences against which it was directed; and that in his district the numbers of cases had diminished from eighty-nine in 1854 to forty-three in 1856.

NATIONAL GALLERY—QUESTION.

MR. JOSEPH LOCKE said, he wished to ask the noble Lord at the head of the Government, whether it was true, as stated in the newspapers, that the Report of the Commission appointed to inquire into the site of the National Gallery had been made; and if so, when might the House expect that it would be laid on the table?

VISCOUNT PALMERSTON: I cannot say whether it has been made or not; it had not been made two days ago.

THE CHANCELLOR OF THE EXCHEQUER: I think I can state that it is not yet made.

SUPPLY—MISCELLANEOUS ESTIMATES.

House in Committee; Mr. FITZROY in the chair.

(1.) Motion made, and Question proposed, "That a sum, not exceeding £102,861, be granted to Her Majesty, to complete the sum necessary to defray the Charge for Works and Expenses at the New Houses of Parliament, to the 31st day of March 1858."

SIR HENRY WILLOUGHBY said, he was afraid that the expenses of the two Houses of Parliament would amount to an awful Bill. In March of last year he referred to the scheme of the late Sir William Molesworth, to the effect that £280,000 would finish the expenses of the Houses of Parliament. There were then looming in the distance new charges to the amount of £500,000, and the right hon. Gentleman the First Commissioner of Works then gave a pledge that no expenditure should be entered into relating to that sum of £500,000 without a reference to that House. It appeared extremely doubtful whether that arrangement had not already been broken. He therefore wished to know in what position they stood with respect to the expenses of the Houses of Parliament. It seemed clear that the sum of £280,000 he had before mentioned had been already exceeded by £96,000, and seeing that the cost of the works which were originally estimated at £770,000 had already exceeded £2,000,000, he thought it was the duty of Parliament to ascertain when and where this drain was to stop. One cause of the enormous expenditure was the costly nature of the finishings of the Houses, and it had been stated by Mr. Hunt, a gentleman well qualified to form an opinion, that no less than £700,000 had been spent in what were called finishings. A sort of squabble, too, had taken place with the architect as to his commission. The position of the matter was, that Parliament had spent £2,000,000 and odd on the new Houses, and it was now going to spend £162,000 more, and therefore he wished to know whether the Commissioner of Works meant to deviate from the arrangement made by Sir William Molesworth. Were they to be set loose at sea again, and to have these constant demands for money? It was a disgrace to the House that it could not manage properly the expenditure for works going on close to it. He wished to know whether, in addition to the sum of £54,000 which had been paid to Sir Charles Barry, and with which he did not appear to be quite contented, there would be any additional charges for commission from other quarters. He also hoped the right hon. Baronet would inform the Committee what was the amount now outstanding which it would be necessary to pay, and whether any new works would be undertaken without the sanction of Parliament.

SIR BENJAMIN HALL observed, that he was appointed to the office he had the honour to hold on the 24th of July, 1855, and within a few days afterwards he was asked by the hon. Member for North Warwickshire what course he intended to pursue with regard to the works connected with the Houses of Parliament. He replied that he proposed simply to complete the works then in hand, which had been sanctioned by Parliament, and not to undertake any new works, and he had adhered most strictly to that declaration. He hoped the House of Commons would never on any future occasion fall into such an error as they had committed between 1834 and 1840. Instead of having a detailed plan and design before them, or appointing an officer who should be responsible for the execution of the work and the expenditure of the money, Parliament contented itself with obtaining a slight plan which merely shadowed out the general character of the structure to be erected. They appointed a Committee of taste, a Committee of fine arts, a Committee of supervision, a Committee of inquiry, and various similar Committees, without any one person being responsible to the House of Commons for the manner in which the work was executed or for the expenditure. The hon. Baronet had referred to the estimate of £280,000 for the completion of the works, which was given by Sir Charles Barry to Sir William Molesworth in 1854. He (Sir B. Hall) had been given to understand by Sir Charles Barry that the works would be completed for that amount; but when he found from the estimates sent in this year by Sir Charles Barry that a larger sum was demanded than had been proposed to his predecessor (Sir W. Molesworth), he thought it his duty to require some explanation on the subject. He (Sir B. Hall) was now referring only to the plans which had been sanctioned by Parliament, setting aside altogether the new buildings which Sir Charles Barry proposed to erect in New Palace Yard. Sir Charles Barry stated that he required an additional sum of £50,000, in consequence of the increase of contracts, and 34,000 for additional works. This reply was unsatisfactory, and he requested Sir Charles Barry to furnish him with a detailed statement of the purposes for which the outlay was required. He (Sir B. Hall) could assure the House that the pledge which he gave in 1855 and 1856 had been fully carried out, and that he had endeavoured to confine Sir Charles Barry to the plans which had been sanctioned by Parliament. He heard a few days ago that some alterations were in progress in the Speaker's house and court-yard, and he immediately wrote to Sir Charles Barry to inquire why a hoarding had been erected, and what alterations he was about to make. He mentioned this circumstance to show that he was determined, to the utmost of his power, to confine Sir Charles Barry to the works which had received the sanction of Parliament.

Mr. W. WILLIAMS wished to have some explanation of the items, " Amount required to be provided in addition to the sums voted in previous years, for commission which has been paid to Sir Charles Barry to the 30th of June, 1856, £23,000," and the " Estimated amount which may be required for further payments to the architect, and for miscellaneous services from the 30th of June, 1856, to the 31st of March, 1857, £5,000." He (Mr. Williams) observed another item in the Estimates of " £5,270 on account of superintendence and miscellaneous charges." He would be glad if the hon. Baronet could inform the Committee when it was probable that the expenditure for the Houses of Parliament would cease.

Sir BENJAMIN HALL said, the question just put by the hon. Gentleman was somewhat difficult to answer, and he was afraid he should only deceive the House if he attempted to give any definite reply to it. All he could say was that he was endeavouring to wind up the concern as quickly as possible by preventing any new works from being undertaken. With regard to the items to which the hon. Gentleman had called attention, if he read a paper which had been circulated a day or two ago, he would find that it contained a full explanation of the mode in which Sir Charles Barry was to be remunerated under the Treasury Minute.

Mr. HENLEY said, he had not gathered from the right hon. Baronet's statement how much the present Vote would be in excess of the £284,000. He regretted to hear the right hon. Gentleman talking, no doubt with perfect sincerity, of restraining Sir Charles " as far as he was able." That was a most unfortunate addendum to the right hon. Baronet's statement. As the right hon. Baronet was a member of the Government, it would be somewhat strange if he did not possess authority enough to prevent Sir Charles Barry from expending the public money at his own discretion. Surely he had only to refuse to place in the Estimates the cost of carrying out anything he disapproved of.

Sir BENJAMIN HALL said, as soon as he found that the estimate of 1854 was exceeded he wrote to Sir Charles Barry, desiring to be informed of the exact amount which would be required for the completion of the buildings, and Sir Charles Barry replied that £50,000 would be the excess upon the contracts, and that £34,000 would be wanted for additional works which were necessary. He (Sir B. Hall) was not satisfied with that statement, and he asked for further explanations, but to that communication he had not yet received an answer.

Mr. HENLEY said, the Committee was now told that Sir Charles Barry asked the First Commissioner of Works for certain sums, partly for an excess arising on the contracts, and partly for other reasons. But it appeared the First Commissioner was not exactly aware what those reasons were. He (Mr. Henley) thought the Committee ought to take care that they were not by this Vote dragged into sanctioning works of which they at present knew nothing, for they were now asked to vote money on account, but were not told what it was for. There was also another matter to which he wished to call the attention of the Committee. In the plan attached to the Estimates there were buildings shown under the title of "proposed buildings," which had not only not received the sanction of the House, but had been disapproved of by the Board of Works; and he thought the Chief Commissioner ought to have seen that such plan, at all events in its present shape, should not have appeared along with the Estimates. A few years hence, when, perhaps, they might not have so careful a Chief Commissioner of Works as they had at present, Sir Charles Barry might erect these additional buildings; and if found fault with for so doing might say he had submitted his plan to the House of Commons, who had approved of them, and that he had consequently carried them out. He (Mr. Henley) thought, therefore, that unapproved plans having been submitted to Parliament along with the Estimates, they might be the means of causing a considerable additional expenditure.

Sir BENJAMIN HALL said, that he had objected to the plan being attached to the Estimates last year, and it was entirely his fault that it had appeared this year; but he would take care it should not be construed into the sanction of the new works in question. The fact was, the plan was received just before the Estimates were sent to the printer.

Mr. BALL said, he was surprized to find an item of £20,000 and upwards in this Vote "on further account of the completion of the Victoria and Clock towers and the fittings and finishings thereof." When the Committee looked at the immense sums which had been expended on those towers and their appendages they would probably think the public was entitled to see a clock of corresponding use and beauty, but instead of that they had a clock which was ashamed to show its face. Again, they were told they were to have a bell of extraordinary power for the Clock Tower. That bell they had got, and a high-sounding name they had given to it, but the public did not know whether its tones were likely to realize the expectations held out respecting them, for the bell had not been raised to its position in the tower.

Mr. PALK said, his right hon. Friend (Sir B. Hall) seemed to speak with doubt as to his power over the expenditure of Sir Charles Barry. He (Mr. Palk) imagined that Sir Charles Barry was employed by that House; that the Government were answerable for the works undertaken by him and the expenditure upon those works, and that there could be no difficulty whatever in restraining him from any works which were not likely to be sanctioned by a vote of the House. He would also call attention to the fact, that while the first item in the estimate was £20,300 for the Victoria and Clock towers, further down there were two items—one of £300 and another of £6,000—on account of the Clock tower. He should, therefore, wish to know why one sum had been placed at the top and two other sums lower down?

Sir BENJAMIN HALL said, he could restrain Sir Charles Barry so far as regarded new works, though the difficulty of restraining an architect must have been practically felt by any Gentleman who had ever employed one. What he (Sir B. Hall) hoped was that if the House of Commons should hereafter sanction any new works in the shape of public offices or otherwise, they would make one man responsible for the whole, and have a clear and minute plan, the details of which had previously received the sanction of the House. With regard to the question of the hon. Member for Cambridgeshire (Mr. Ball) he (Sir B. Ball) might say the clock was going, but unfortunately some years ago a wrong course was taken with respect to it. The bells for the tower ought to have been cast before the clock was made, but it so happened that the clock was made before the bells were cast. One of those bells, as was well known, arrived in London some time ago; the other two had been cast, while two others remained to be cast; but it was thought useless to raise the large bell, which had arrived, to its place until they got the others to accompany it. He trusted that when the hon. Gentleman (Mr. Ball) was called on to attend his place in Parliament next Session he would have frequent opportunities of hearing the chimes the absence of which he now lamented. As regarded the items alluded to by the hon. Member for Devonshire (Mr. Palk), he had to state that the Vote of £20,300 at the top of the Estimates was for work done under the direction of Sir C. Barry; while the other two Votes were for the finishing of the clock towers, over which he had no control.

Mr. DRUMMOND said, the right hon. Baronet (Sir B. Hall) had complained that the hon. Member for Lambeth (Mr. Williams) had not read a paper which had been circulated with the Estimates, explanatory of the Vote under consideration. He (Mr. Drummond) had read that document, and he found a very extraordinary item in it—namely, a charge made by Sir C. Barry of £1,393 for drawing the designs for the plate, linen, crockery, &c., for the refreshment rooms of the two Houses of Parliament. What on earth could they have been? It was true that the claim had been rejected by the Board of Works when it was first laid before it, and he (Mr. Drummond) had understood that it was the kitchen Committee which had ordered all these things; but was the kitchen Committee going to pay for it? The very mention of such an item was absurd. He saw a gentleman a few days ago to whom he mentioned that charge made by Sir Charles Barry of £1,393, and who thought it a most remarkable thing, for, said the gentleman in question, "I and another person made the drawings in question and got a guinea for our pains." He (Mr. Drummond) thought, however, that Sir Charles Barry had not been justly treated with regard to his remuneration. It appeared to him (Mr. Drummond) that many of the extraordinary bills of which the Committee complained were run up by Sir Charles Barry to eke out by extra charges for commission the remuneration which Parliament refused to allow him. Then there was another item of £14,000 for furniture for the Speaker's house, and his (Mr. Drummond's) apprehension was that that sum would not be sufficient for the purpose, and that they were likely to have the same sum in the Estimates next year. Some one ought to be answerable for this expenditure.

Lord JOHN MANNERS found an item of £4,500 for the lease of a house in Spring Gardens for the Clerk of the Parliaments. He should have thought an official residence might have been found for Mr. Lefevre in the enormous pile of buildings in which they were assembled. At all events, the item was singularly misplaced in this Vote; it ought to have appeared in the Vote agreed to the other night for public offices.

Sir BENJAMIN HALL said, that Mr. Lefevre had hitherto had a residence in Palace Yard, which was very inconvenient. He agreed with the noble Lord that if any one officer connected with the Houses of Parliament ought to be provided with an official residence in the New Palace at Westminster, it was the Clerk of the Parliaments. He had inquired how it was that no provision had been made for this officer, but he could get no very satisfactory answer. It therefore became necessary to provide an official residence for him elsewhere, and the Vote had been by his direction inserted in the present Estimate, in order that the Committee might see in one Vote everything relative to the expenditure of the two Houses of Parliament. With regard to the furniture for the Speaker's new residence, he had desired an officer of his own department to go over the house and make an estimate. He intended that this work should not be undertaken by Sir Charles Barry, but by his own department, and he would endeavour to carry it out for the estimate.

Mr. BERESFORD HOPE recalled attention to the charge of £1,393 for the designs for plate, linen, &c., for the refreshment rooms. There was an additional charge which made this sum amount to £4,327. On that amount Sir Charles Barry claimed a commission at the rate of four per cent, which came to £173. He (Mr. B. Hope) could not understand that matter.

Sir BENJAMIN HALL said, when the Board of Works received the claim in question they could not admit its validity, inasmuch as the first claim on that account was not ordered by that Board.

MR. BERESFORD HOPE then understood that the per centage was claimed by Sir Charles Barry for superintending the drawing of these designs.

MR. WILSON said, the sum of £1,393 was not the cost of the designs, but the cost of the articles themselves; it was upon that Sir Charles Barry claimed his commission.

MR. BRISCOE said, he must protest against the extravagant expenditure upon the new Houses of Parliament. The original sum proposed for building these Houses was £250,000. This estimate soon rose to £760,000, and then reached £1,000,000. There was even now no assurance that the sum of £50,000 to be voted this year would be the last expense. The original sum of £250,000 had risen until the money actually expended very much exceeded £2,000,000, and it was time to require a clear and distinct statement from Sir Charles Barry as to the future expenditure. At present Sir Charles seemed to set the House at defiance. After this experience he had viewed with no inconsiderable alarm the exhibition in Westminster Hall of designs for public offices, and he wished to know what expenditure they were likely to involve. The estimate of the proposed expenditure was £5,000,000, and if they were to judge by their experience of the outlay on the Houses of Parliament the actual cost would exceed £13,000,000. He, therefore, hoped that the House would be warned by the past, and not blindly give its confidence where it was not deserved.

MR. SPOONER said, he wished for further explanation as to the sum of £1,393 already referred to—whether it was for designs or for the articles themselves?

MR. WILSON said, that the item of £1,393 was not for designs at all, but for the whole of the articles themselves which are specified under this head.

SIR HENRY WILLOUGHBY said, he had been anxious on a previous occasion to learn how far the Estimate of £284,000 for completing the new palace was likely to be exceeded, and he now understood the excess on the present Vote to be about £20,000. He wished to strengthen the hands of the First Commissioner of Works, not to weaken them, and therefore he should move that this Vote be reduced to the sum of £20,000. His object was to require another Estimate to be submitted to the House for these works, which should be final.

SIR BENJAMIN HALL said, he hoped the hon. Baronet would not press his Amendment. He (Sir B. Hall) had written to Sir Charles Barry, requesting to be furnished with all the particulars relating to the extra expenditure beyond the £284,000, which he stated in 1854 would be requisite to finish the new palace. Great inconvenience might arise if the sum were now reduced; but before the present Session terminated he certainly hoped he would be able to lay before the House a detailed Estimate of everything required to complete the works according to the plans which had been sanctioned. He could only repeat the assurance he had previously given that he would not, directly or indirectly, authorize any expenditure beyond that which had been sanctioned by Parliament.

LORD CLAUD HAMILTON said, he trusted, after what had fallen from the First Commissioner of Works, that the hon. Baronet (Sir H. Willoughby) would not press his Amendment. Before that explanation was made, however, he (Lord C. Hamilton) had himself been inclined to support the Amendment, viewing it in the light of a vote of confidence in the First Commissioner of Works, who ought to be armed with the power of keeping Sir Charles Barry within some bounds. It was very difficult at any time to control an architect; but those who had watched Sir Charles Barry's career for the last eighteen years must have observed that he exceeded, in his ingenuity in devising extra charges, every other member of his profession. Some further explanation was needed as to the sum of £23,000 for Sir Charles Barry, and also as to the next item of £5,000. Last year the total sum stated to be due to that gentleman was £60,000, and it was therefore difficult to understand how this £23,000 had suddenly become payable to him. If that House had exercised a proper vigilance over this expenditure £500,000 might easily have been saved, and probably a far better building provided for the purposes of the nation. They ought to assist the First Commissioner of Works in his laudable determination to exact accurate estimates and specifications. Much of the money required for commission was composed by charges for works which were found unsuited for their object, and had to be pulled down again. No architect ought to be suffered to charge for his own mistakes and want of foresight. Hon. Members might not be aware of the many successive transformations that the chamber in which they now sat had undergone. In the first place, the floor had to be lengthened; then the benches had to be altered, as they had been placed so close that hon. Members could not sit down; next, the galleries for Members had to be changed, the strangers' gallery and the reporters' gallery had likewise to be remodelled; the long lancet-shaped windows at first introduced were also found ill-adapted to the character of the House, and had to be all altered; the arrangements for ventilation had been the subject of numerous changes; and, last of all, it being discovered that nobody could hear in the House, the roof had to be entirely altered. What private firm that carried on its affairs with anything like ordinary prudence would allow an architect to play this game with them, and not even require him to state the expense incurred by such innumerable changes? Before they removed to that House they had a chamber in which they could hear one another, and which was well ventilated. He (Lord C. Hamilton) had once asked Sir William Molesworth to exemplify the system in which Sir Charles Barry had been permitted to run riot, and produce accounts showing the cost of these alterations; but that lamented statesman replied that it was totally impossible to procure the required figures, so dire was the confusion in which the whole matter was involved. He (Lord C. Hamilton) wished to have some explanation of the item of £23,000 for Sir Charles Barry in this Vote.

Mr. BARROW said, he concurred in the opinion which had been expressed that the House itself was chiefly to blame for a great part of the expenditure. He doubted, moreover, whether the power of the First Commissioner of Works was sufficient to control the architect of the new Palace, and he thought the Committee would do wrong if it refused to accede to the Amendment of the hon. Member for Evesham (Sir H. Willoughby) for stopping a portion of this Vote until they were furnished with better information.

Mr. BRISCOE said, he also hoped the Amendment would be persevered with. He should vote for it, not from any want of confidence in the right hon. Baronet at the head of the Board of Works, but in order to get the Estimate they wanted.

Mr. W. WILLIAMS would give an earnest support to the hon. Baronet's Amendment; but he desired at the same time to say that the right hon. Baronet (Sir B. Hall) was the only First Commissioner of Public Works who had attempted to put any sort of check upon the proceedings of Sir Charles Barry. Some steps ought to be taken to stop the extravagant expenditure which had been going on from year to year in the construction of the Houses of Parliament. As he presumed that the greater portion of the £4,000 which was now asked for, in addition to the £16,000 already voted for decorative works in the Palace at Westminster, would be expended in the erection of statues of men eminent in former days, he wished to be informed by the right hon. Baronet whether any provision had been made for bringing into public remembrance the most illustrious man this country ever produced—namely, the Protector Cromwell. Nothing had yet been done by this country in memory of his great character, but he would live in history. The time would come when his merits would be known. It would be a disgrace to the present generation if it did not produce something worthy of his great name.

Mr. P. W. MARTIN said, that while he admitted the necessity of some understanding being arrived at with respect to the subject alluded to by the hon. Member for Evesham, he deprecated any vote which would have the effect of placing hon. Members in the ridiculous position of having commenced the building of a house which they could not complete.

Mr. WILSON said, that after the question of Sir C. Barry's remuneration had been disputed for many years, Lord Besborough, the then First Commissioner of Works, fixed the remuneration at £25,000 upon an original expenditure of £750,000, which remuneration was £10,000 less than if it had been at the rate of 5 per cent on the expenditure. In the course of time, and under successive Governments, considerable additions were made to the original design as well as extensive alterations; and, from time to time, Sir C. Barry received advances on account of such additions and alterations. In 1853, however, when it was thought right to put an end to those payments on account, and to fix a definite principle upon which Sir C. Barry should be rewarded, it was determined that, in addition to the £25,000 on the original estimate, he should be paid at the rate of 3 per cent on the increased expenditure. Hon. Members were aware that Sir Charles Barry remonstrated against that decision, and still persisted in claiming 5 per cent, according to the usual scale of architects; but the Government resisted his claim, and they were supported by the House in that resistance. When his account came to be settled last year he put in a claim for a large outlay for the measurement of the works, not included in the charge for the building. It was ultimately agreed, with the advice of the Board of Works, that he should be paid at the rate of 4 per cent instead of 3 per cent, in order that the additional 1 per cent might remunerate him for those measurements. When the account came to be settled it was found that the claim of Sir Charles Barry was £23,000. This was the £23,000 now under discussion, and the other sum of £5,400 was for his services in the ventilation and lighting of both Houses and other matters.

Mr. MALINS wished to remind the Committee that Sir Charles Barry laboured under the disadvantage of not being permitted to reply to the attacks which had been made upon him with reference to the building of the Houses of Parliament. As there were two sides to every story, he had no doubt that Sir Charles Barry could show that not he, but the House itself, was answerable for most of the alterations that had been made in the original plan. Everybody knew that 5 per cent upon the outlay was the remuneration paid to an architect in the absence of a special contract, and as no contract had been entered into between Sir Charles Barry and the Government, he was entitled to 5 per cent upon the money expended in the construction of the Houses of Parliament. It was no doubt true that less than 5 per cent had been forced upon him, but he always protested against any reduction of his claim. As, then, there was a dispute between the Government and Sir Charles Barry, why should it not be referred to indifferent persons for settlement? The Reform Club had been erected by Sir Charles Barry; the same question arose as to his remuneration; it was referred to arbitration, and Mr. Justice Erle, then at the Bar, awarded him 5 per cent. Sir Charles Barry had received £58,000 for twenty years' services, and, considering the abilities of Sir Charles and his eminence as an architect, this was not a very astonishing sum. But he (Mr. Malins) had received an assurance from Sir Charles that out of this sum, contrary to the usage of architects, he had had to pay from his own pocket a large amount of money for expenses thrown upon him by this House. The committee would therefore see that Sir Charles Barry had not received perfect justice. He had made no contract; the Government sought to impose their own terms upon him; and because they were more powerful than he they expected him to submit. He (Mr. Malins) contended that the Government was no more justified than an individual would be in imposing their own terms on Sir Charles. The case ought to be submitted to some impartial tribunal—either to a court of law or to arbitrators.

Mr. SPOONER said, the right hon. Baronet (Sir B. Hall) had stated that great inconvenience would arise if these Estimates were cut down. Would the right hon. Gentleman state what particular form this inconvenience would assume, and whether it would leave any buildings unfinished?

Sir BENJAMIN HALL replied, that no new work of any magnitude, and not sanctioned by Parliament, had been undertaken with his sanction; but inconvenience would, of course, result if the Amendment were carried as regarded those buildings now in course of completion.

Mr. W. WILLIAMS said, that Sir Charles Barry agreed to build the Houses for a certain sum of money; he deviated from his plan, and then sought to charge 5 per cent upon all the extra work.

Motion made, and Question put, "That a sum, not exceeding £82,861, be granted to Her Majesty, to complete the sum necessary to defray the Charge for Works and Expenses at the New Houses of Parliament, to the 31st day of March 1858."

The Committee *divided*:—Ayes 65; Noes 175: Majority 110.

Mr. KIRK said, he wished to direct the attention of his right hon. Friend the First Commissioner of Works to the decay which was apparent in the stones of the new Houses, and which was particularly to be remarked in the mouldings and ornamental front of the river terrace. Unless some means were adopted for preserving the stone the Houses would be in a great measure decayed before they were completed.

Mr. HENLEY said, that it was evident, even upon a casual inspection, that the stone was going to pieces in all directions. He had observed, also, something which appeared to him to be very like the rusting of iron in the roof. He hoped he was mistaken in these indications; but if he were not they did not argue much for the future permanence of the building.

Sir BENJAMIN HALL said, he was sorry to say that the right hon. Gentleman was not mistaken in his view of the case; for he had made inquiries some months ago as to the state of the roof, and he found on examination that the galvanized process had ceased to act, and that the rust was coming through, as was almost invariably the case where galvanized iron had been used for structures which were not of a temporary character. All that they could do now would be to cover it over with some chemical preparation, with the view of preventing further mischief; but he was sorry to say that the rust certainly was showing itself in different parts of the roof. His attention had also been drawn to some of the stone, which was decaying in certain places, and some chemical processes had been tried for the purpose of preserving it; but it would be years before the full success of the experiments could be tested.

Mr. HENLEY asked whether something could not be done to prevent the rusting of the iron in those parts of the roof where it had not yet begun; because it would be much more difficult to stop it after it had once shown itself than to prevent it in the first instance.

Sir BENJAMIN HALL said, that he was in constant communication with persons upon the subject, but that it was very difficult to determine what measures would prevent the extension of the evil.

Mr. KIRK observed that it said very little for the state of architectural science in this country, if some means could not be devised for preventing the decay and defacement of the stones of the river terrace.

Mr. WISE asked if the First Commissioner of the Board of Works had any objection to lay upon the table an account of the whole sums expended for the Houses of Parliament. He really was not able to say whether it was £2,500,000 or £3,000,000. A short return showing the gross amount and various items would be extremely useful?

Sir BENJAMIN HALL said, that he proposed to lay upon the table the estimate of Sir Charles Barry for the thorough completion of the Houses of Parliament; and he should at the same time lay upon the table an account of the cost from the commencement to the present time.

Mr. BERESFORD HOPE asked if it were intended to abandon the galvanized iron roof, and to substitute a lead roof for it.

Sir BENJAMIN HALL said, that had not been determined on; for to remove the covering of the roof of that immense building would involve a frightful expenditure; but his impression was that galvanized iron ought never to have been employed as a roofing for the Houses of Parliament.

Original Question put, and *agreed to.*

(2.) £443, Port Patrick Harbour.

Mr. LIDDELL asked whether a return of the estimated expenses of the large works necessary for the completion of the enormous harbour at Dovor, moved for by an hon. Member recently, would soon be laid on the table?

Mr. WILSON replied that the present Vote was for the keeping up of this harbour, and not for general works; the proper time to put the question was when the general Vote for harbours was under discussion.

Mr. HENLEY gave notice, that on that occasion he should call the attention of the Committee to the expenses of Dovor Harbour in reference to its basins.

Vote *agreed to.*

(3.) Motion made, and Question proposed, "That a sum, not exceeding £77,557, be granted to Her Majesty, to defray the Expense of repairing and maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland, to the 31st day of March 1858."

Mr. COWAN said, he wished to call attention to the item of £17,014 required for the execution of works recommended by the Commissioners at certain lunatic asylums in Ireland. He wished to know whether Scotland was to be put on the same footing as Ireland in this respect? Then, again, there was a large sum of money intended to be applied to the erection of a court for the Incumbered Estates Commission. He understood that the labours of the Commissioners were now nearly closed, therefore it was rather late in the day to propose such a Vote as this. Another item to which he objected was that of £1,102, required for alterations in the House of Industry in Dublin. Had Government, he asked, taken upon itself to become responsible for the support of charitable institutions in Dublin; and if so, were they about to be as liberal to

Edinburgh, or any other town in Scotland?

MR. MOWBRAY said, he was at a loss to know why 5 per cent upon the items in this Vote should be charged for contingencies. Why was it that these Irish Estimates could not be made out as clearly and regularly as any others? He should be glad also to know how much of the £1,000 to be expended in repairs of model agricultural schools was to be given to the Albert Training Institution at Glasnevin. He believed that the works there were most costly, and would absorb the greater part of the money, to the detriment of the other institutions.

MR. W. WILLIAMS inquired why it was that the whole item of £10,500 for the erection, maintenance, and repairs of the offices and schools belonging to the Commissioners of National Education was not included in the Vote for education? He objected to these separate items, which all belonged to one class, being spread through the Votes in such a manner that it was almost impossible to tell to what department they belonged. He also objected to the large sums he saw put down for guard-houses and stables in connection with "the mock royalty" in Ireland; but, as a Motion to abolish the Viceroyalty was pending, he would not go into that at present further than to express his belief that, if there were no Viceroy, the Queen would, in all probability, visit Ireland oftener, and stay such a period as could not fail to be satisfactory to her Irish subjects. He also objected to the item for lunatic asylums. In England lunatic asylums were supported out of the county rate, and he did not see why Ireland should be exempted from discharging the same duty.

MR. BAGWELL said, with respect to the lunatic asylums in Ireland, that the Irish people paid for them by repaying the money advanced by the Government.

MR. WILSON said that, in consequence of a flaw in an Act of Parliament, the sum advanced by Government, amounting to nearly £200,000, for lunatic asylums in Ireland, was in considerable jeopardy. An Act of Parliament was brought in to correct that flaw; but several Irish Members objected, and said, "We do not object to pay our just debts, with regard to the erection of these buildings, but we have a claim in consequence of the bad manner in which these buildings have been erected." A Commission was therefore appointed to visit all the asylums, and that Commission reported that £17,000 should be expended by the Government in completing works which ought to have been completed before. The cost for the erection of the asylums was defrayed in the first instance by the Government, but was now being repaid by the counties in Ireland. The hon. Member for Edinburgh (Mr. Cowan) thought that if the charitable institutions of Dublin were supported by the Government, those of Edinburgh ought to be supported in the same way; but, with respect to the Dublin hospitals, it was the House, and not the Government that was responsible for the expenditure. The Government were overruled by the House, and were obliged to bow to the decision of the House; but the House had not determined that the same thing should take place in Edinburgh. With respect to the question which had been put respecting the item of 5 per cent for contingencies, he observed that the charge for preliminary expenses and remuneration of architects might have been included in the gross sum, but that the separation of it made no difference in the amount. With respect to the charge for building offices, and offices for the Board of National Education in Ireland, this was the first time it had appeared under the present head; and the reason why it was now included under this head was, that it was much more economical to have the works of different departments executed under the responsibility of the Board of Works for Ireland than by each separate department. There were further charges for the maintenance of fever hospitals in Ireland, and he would suggest that the whole cost of hospitals should be included in one Vote.

MR. COWAN asked whether the estimate of £17,000 for works in connection with lunatic asylums, recommended by the special Commissioners of Inquiry, would complete the claim upon the Exchequer in respect of those asylums? He also wished to know why it was proposed to expend £10,000 in providing a court and offices for the Commissioners for the Sale of Incumbered Estates, when the labours of those gentlemen were approaching their termination. He should, therefore, move the reduction of the Vote by £1,102 10*s*., the sum required for repairs to the hospitals of the House of Industry, Dublin.

Motion made, and Question proposed, "That a sum, not exceeding £76,455, be granted to Her Majesty, to defray the Expense of repairing and maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland, to the 31st day of March 1858."

Mr. WILSON stated that the estimate of £17,000 for lunatic asylums was the final charge that would be made upon the Government for works which, in the opinion of the Commissioners, ought to have been included in the original estimate. He was glad to inform the Committee that the outlay of £200,000 for these asylums was in course of regular repayment. With regard to the Vote for the erection of offices for the Incumbered Estates Commissioners, his hon. Friend must be aware, from the discussion which had taken place in that House, that the Commissioners did not at present possess even decent accommodation. His hon. Friend was mistaken if he supposed that the functions of those useful tribunals—the Incumbered Estates Courts—would cease, although the Commission itself might do so. The Government had pledged themselves last year to erect buildings for conducting the business of the Commission, in the immediate neighbourhood of the Four Courts at Dublin, and in pursuance of that pledge the Committee were asked to sanction this Vote. With regard to the repair of hospitals, the House had already committed itself to a certain extent to the maintenance of those establishments, and he thought they would not, by a side wind, avoid the responsibility they had undertaken, and reject this Vote.

Mr. BAGWELL was understood to say that the Vote of £17,000 for lunatic asylums was not regarded in Ireland as a final contribution for that object.

In reply to Mr. Adams,

Mr. WILSON said that the Vote of £1,102 for the hospitals of the House of Industry was for the purpose of completing the repairs necessary to give effect to the Act of last Session.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

The following Votes were then *agreed to*:—

(4.) £15,100, Kingstown Harbour.
(5.) £87,967, Houses of Parliament.
(6.) £35,171, Treasury.
(7.) £16,466, Home Department.
(8.) £45,169, Foreign Office.
(9.) £20,160, Colonial Office.
(10.) £46,426, Privy Council, &c.
(11.) £1,700, Lord Privy Seal.
(12.) £11,510, Paymaster General.
(13). £4,218, Exchequer.
(14.) £18,614, Works and Buildings.

(15.) Motion made, and Question proposed, "That a sum, not exceeding £15,145, be granted to Her Majesty, to complete the sum necessary to pay the Salaries and Expenses of the Office of Woods, Forests, and Land Revenues, to the 31st day of March 1858."

Mr. CAIRD said, that he rose pursuant to notice, to move that this Vote be reduced to the same amount as was granted last year. Although the actual amount of this vote was small the department for which it was taken was entrusted with the management of a revenue which represented a capital sum of not less than £12,000,000 sterling. The sum which was brought under the criticism of Parliament was only one-fifth part of the money expended on the Woods and Forests; and it was a remarkable circumstance that while during four years that portion of the expenditure which was annually brought under the criticism of Parliament had increased £1,000 a year, the part which was not brought under the criticism of Parliament had increased by £27,000 a year. The gross average receipts of the whole hereditary revenues of the Crown under the management of this department amounted to £390,000 a year, and during the last year the gross expenditure in the collection and management of that sum, including the usual expenditure on landed estates, such as that for buildings and improvements, was £130,000 or not less than 33 per cent on the total amount of revenue received. Now he believed that everybody who was acquainted with the business which devolved on the owner of landed property must perceive that that was an extravagant charge for its management. Since 1852 the gross hereditary revenues of the Crown had increased very considerably. From the sum of £376,800, to which they amounted in 1852, they had risen in 1856 to £404,500 showing an increase of upwards of £27,500, and yet there was actually paid over a balance to the credit of the Exchequer less by £2,000 than there was in 1853. This department included two branches of property. The more profitable to the public was that included in the Land Revenue Department, which embraced a description of property that during the last few years had greatly increased in value in this country, including land in several counties in England and building sites in the metropolis. Many building leases would soon expire and a great increase of revenue might reasonably be expected from that source, but he had to complain that there was no definite information accessible to Members of Parliament by which they could ascertain or criticise the gradual or probable advantages which this property might be supposed to realize under good management. He was therefore precluded from obtaining any information which could throw light on this subject, and therefore he should confine his attention to the second branch of the Woods and Forests. He found that last year the Forest Department realized £64,800, and that the cost of collection and management was £45,500, leaving, therefore, £19,300 as the revenue from 120,000 acres of land. He might be told that 20,000 of these were composed of land of a very inferior quality, but, taking the acreage at 100,000, as the total amount of profit was £19,300, those 100,000 acres might be said to have realized something less than 3*s.* 10*d.* an acre. Since the retirement from the chief office in that department of Mr. Kennedy, one of the most active and honourable men ever employed in the service of any country, inquiries had been instituted into this subject, and improvements had been contemplated which did not seem to have been yet carried into effect. The public had, in fact, never derived the advantages they might reasonably have expected from the Woods and Forests, and in the time of Nelson and ever since, complaints had been made of the small quantity of timber which they supplied for the Royal navy. For what was the extent to which the Royal Forests supplied our dockyards with timber? Why, of £550,000 worth of timber bought annually for use in our dockyards the Royal forests did not supply 1-50th part. The fact was that our ships were not built of British oak. The best oak came from the Continent—from Italy, and from the forests of Central Europe. It was no longer held a matter of importance to make ourselves independent of a foreign supply of any article; but in a country like this, with a limited territory and an increasing population, it was impossible that a crop, which required 150 years to bring it to maturity, could ever be a profitable one. He had no hesitation in saying that, considering the facilities by land and sea which now existed for importing timber from abroad we might be wholly independent of our Royal forests for the necessary supply. In 1852 the office ceased to be an independent department of the Government, and an Act of Parliament was passed which placed it under the Treasury, so that the Commissioners of Woods and Forests could not even complete a lease without the sanction of the Treasury. There was therefore no occasion to keep up an expensive department, and there seemed no reason why the whole of the management of the Woods and Forests should not be carried on at an expense of £4,000 or £5,000 a year. When the change was made in 1852 the intention was that instead of two Commissioners one Commissioner should be appointed as Surveyor General, who should have under him a special officer in the nature of an inspector. He did not object to the appointment of a mineral inspector, but he did object to his salary of £800, in addition to the salaries of the two Commissioners, as this was the very officer whose appointment was contemplated by the arrangement to which he had referred. He also objected to the amount of the legal expenses of the department. The legal expenses were 1¾ per cent upon the gross revenue for England ¾ per cent for Ireland, and no less than 10 per cent for Scotland. He could not understand why so large a percentage should be incurred for law expenses in Scotland. The charges of the Scotch solicitor had gradually increased from £1,000 to £2,300 in the present year, which, with the addition of some other legal expenses, made a total of about £2,600 for law expenses in Scotland. His belief was that if the hereditary estates of the Crown were managed with the same prudence as private property, the net income of these estates would be equal to the amount of the Civil List. As guardians of the public purse, and trustees for the Queen, the House were bound to investigate this subject. The gross income derived from these sources was £410,000, and if the charge for management were reduced to 15 per cent, and if the income could be increased by 10 per cent, the clear net revenue would be quite equal to the whole amount paid over to Her Majesty in the Civil List. The Forest of Hainault in Essex four years ago yielded nothing, but by a new system of management, instituted by Mr. Kennedy, this forest now yielded a revenue of £2,500 a year. Some of the Crown estates were of very little value either for growing timber or as arable land, but there were purposes to which they might be applied, and he was surprised to hear the noble Lord (Viscount Palmerston), assert, in speaking of Aldershot the other night, that there were very few spaces of open land which could now be procured for the evolutions of troops and the purposes of a camp. Woolmer Forest, for example, offered a much larger space than Aldershot. It was within a few miles of that place, a royal forest containing 6,000 acres untimbered, and yielding almost nothing to the public, but which was traversed by the direct road from the metropolis to Portsmouth, and skirted by a railway. The ground was finely undulated, and from his own observation, he could state that it was better supplied with water than Aldershot, and was well adapted for a camp. The Government had given £14 an acre for Aldershot, and though they said they could now sell it for a higher price, he doubted whether they could get more than that money for it if the camp were withdrawn. Woolmer Forest was valued for sale not long ago by the Crown Surveyor at £3 or £4 an acre, so that if the Government had fixed upon this, their own property, as the site for the camp they would have saved a great deal of money and very much increased the value of the adjoining land. Again, the New Forest in Hampshire, another Crown property, contained 65,000 acres, of which 30,000 acres were open unoccupied land. It was traversed by a railway, and was within a short march from Portsmouth. If the Government had established their camp there they would have had many applications for leases, and would have raised the value of property which belonged to the nation. The noble Lord had chivalrously taken upon himself the responsibility for the purchase of Aldershot, but he could not have made choice of the ground, and the Crown surveyors ought to have known the capabilities of these Crown estates and the advantages which would have been derived from selecting them. He objected to any increase in the amount payable to this department, believing that the former charge was ample. He trusted that he should have the support, not only of hon. Members who sat around him, but of the hon. Member for Northamptonshire (Mr. Stafford), who had taunted hon. Gentlemen on the Ministerial side with not performing the pledges of economy they had made on the hustings. He hoped he should also have the support of the Secretary to the Treasury (Mr. Wilson), who had blamed Parliament the other night for voting away the public money. The hon. Member concluded by moving that the Vote be reduced by the sum of £1,481, being the excess over the Vote of last year.

MR. WILSON said, he could not have supposed, from the notice given by the hon. Member, that he intended to raise so large a question upon a Vote for the civil expenses of an office in London. The subject was, no doubt, well deserving of consideration, and he only wished the hon. Gentleman had indicated by his notice that he intended to raise the question of the policy of the management of these estates: for then he would have been prepared to follow him into the details. He entirely agreed with the hon. Gentleman in the high estimate he had formed of the qualifications of Mr. Kennedy. With regard to the gentleman appointed Chief Mineral Inspector, he would observe that he had been selected by Mr. Kennedy, although he had been appointed by that gentleman's successor. In the Forest of Dean, and upon other Crown estates, there was mineral property the value of which was undeveloped, and it would be the duty of the Chief Mineral Inspector to turn the mineral resources of the Crown estates to the best account. The Government thought it necessary to have a competent officer to advise them with regard to the mineral property of the Crown, and Mr. Smith was recommended to them as a person well qualified for the appointment. This was an extensive property, scattered over the whole kingdom, and the Government would hardly have been consulting the interests of the Crown, whose trustees they were, nor the advantage of the public, who were interested in as large a revenue as possible being obtained from this source, if they had not appointed a mineral agent to develope its riches. As far as their experience had gone, the exertions of Mr. Smith had fully borne out the expectations entertained from his selection. Therefore the Committee would scarcely be acting wisely in cutting off the salary of £800 a year paid to an able and efficient officer charged with all the delicate operations connected with ascertaining the value of, and letting, the whole mineral property of the Crown, consisting of coal, iron, and copper mines. It was manifestly impossible that the Treasury officers could discharge duties of so highly technical and purely professional a nature. Moreover, looking at the scale of remuneration, paid by private proprietors for analogous services, the salary allowed to Mr. Smith was anything but extravagant. It was to be hoped, then, that the hon. Member would not divide the Committee against so obviously useful an expenditure. As to the largeness of the sum required for law charges, it was entirely owing to accidental circumstances. Several heavy cases involving the Royal prerogative had been taken to the House of Lords on appeal from the Scotch Courts, and were now on the point of being brought to a conclusion. Questions of principle affecting the right of the Crown to its whole property having been at issue in these actions, this litigation could not well have been avoided. This item, however, was merely an estimate for the liquidation of unusual charges. The hon. Gentleman had also animadverted on the great differences between the gross and the net income of the Crown property. With regard to the forests, no one knew better than the hon. Member that the cost of management of such property must bear a large proportion to the receipts. A large portion of the difference to which the hon. Member had referred was to be attributed to the necessity of incurring a large outlay in thinning the trees, and in other works connected with the improvement of the property. The case of the Forest of Hainault was a striking example of the reproductiveness of a judicious outlay of capital. Only four or five years ago, it was covered with timber of no value whatever, but now it was let for £2,500 a year to one of the most improving tenants in this country. A heavy expense had, however, to be first incurred in drainage and other works before such results could be realized. Hardly a year passed but it became his duty to introduce a Bill for the disafforestation of these Crown forests, and the expenditure required for bringing the land into a profitable condition accounted, to a great extent, for the large percentage of the income which was absorbed by the cost of management. This was all the explanation it was at that moment in his power to offer in reply to the observations of the hon. Member for Dartmouth. As to the immediate object of this Motion, it resolved itself simply into a refusal of the salary of the mineral agent, together with the law charges for certain heavy suits now on the eve of settlement.

MR. KINNAIRD said, he thought the Secretary for the Treasury had not dealt quite fairly with this Motion. The country was indebted to the hon. Member (Mr. Caird) for the able manner in which he had brought forward this subject. Other hon. Gentlemen who used to devote their attention to this department had gradually become absorbed into the bench below (the Ministry) and the House had consequently lost the advantage of their special knowledge. The hon. Member did not object to a mineral agent, but merely suggested that, by abolishing one of the other offices, the means of paying that gentleman might be found without necessitating additional expense. Therefore, the whole of the Secretary for the Treasury's elaborate argument fell to the ground. If only five years had been required to obtain so great a return from the Forest of Hainault, why was not so fruitful an outlay made long before? The Committee which had inquired into this department had proved that its affairs were greatly mismanaged.

MR. WILSON explained that, without a Commissioner in London, the business of this department could not be satisfactorily conducted.

MR. WISE said, that while he agreed in other respects with the hon. Member for Dartmouth (Mr. Caird), yet he differed entirely from him as to the item on which he proposed to take the sense of the House. As to the alleged efficiency of this department the documents on the table of the House failed to establish it. Having regard to the various inquiries which had been instituted on this subject, and to the alteration of system which took place in 1852 in the Board of Woods and Forests, much greater changes and improvements than any that had yet occurred might have been expected. He should be glad to see the two Commissioners succeeded by a surveyor and a deputy surveyor who thoroughly understood the deputies of their offices. This was a more important subject than at first sight it appeared to be, for if the Woods and Forests belonging to the Crown were properly managed he believed that they might be made to yield a rental of £600,000 a year, or £200,000 in excess of the civil list. He gave credit to the Board of Works for having effected a considerable reduction in the expenditure in respect of Crown lands, but in the Woods and Forests Department there was still that extravagant expenditure of which complaint had been so frequently made. Every one who know anything of woods and forests would admit that the Crown woods and forests were the worst managed property to be found anywhere. In the department of the Board of Works, the revenue for four years ending in 1852 was £1,216,559, and the expenditure £364,977; the revenue of the same department for the four years ending in 1856 was £1,256,407, and the expenditure £244,762, showing a considerable reduction of expenditure. But what was the case when he turned to the department of Woods and Forests? The revenue there for the four years ending in 1852 was £186,517, and the expenditure £188,101. For the four years ending in 1856, the revenue was £307,487, and the expenditure £245,470. In fact, the revenue and expenditure accounts of the Woods and Forests beat everything which he had ever heard in that way. From the year 1803 to 1856 the receipts of the Woods and Forests were £2,326,546, and the expenditure £1,861,023, leaving a miserable balance on so large an income. The New Forest was valued by Mr. Webster, a competent man, at £2,334,507. Its receipts for five years were £121,963, and its expenditure £74,848. The receipts for one year from the Forest of Dean were £4,501, and the expenditure was £1,195. He had said that he did not object to the appointment of a mineral inspector, but he did object to a deputy gavaller for this forest at a salary of £400 a year; and what could they think too of an expenditure of £200 for gamekeepers in such a forest! He hoped that the Treasury, which had now a partial control over this Crown property, would exercise more vigilance in order to check extravagant expenditure. He wished that the Treasury had complete control over the woods and forests of the Crown, in order that the produce might be paid into the national Exchequer. As an instance of the present management he might mention the case of the forest of Whittle, the produce of which was only £41 1*s.* 9*d.* while the expenditure was £303 19*s.* 2*d.* He was afraid, too, that the exchange of lands was not always made for the benefit of the Crown, for if he was correctly informed they had given land in Downing Street worth £123,000, for land in New Oxford Street, worth £120,000—a part of the town which did not appear to be so valuable that the Crown should buy lands there. To use an expression of "old Arthur Young," the Crown woods and forests appeared to be maintained merely to afford excuses for paying salaries. They produced anything but oak.

Sir HENRY WILLOUGHBY said, that he also thought the question one which it was important for the Committee to consider. Some years ago the present Duke of Somerset, then First Commissioner of Woods and Forests, consented to subject the accounts of the Board to an audit; but he (Sir H. Willoughby) thought the House ought not to be satisfied until the affairs of that department were submitted, like those of every other department of the State, in detailed estimates to the House. The receipts of Windsor Park last year were £5,000, the expenditure £16,000. He should not go through all the items of the Windsor Park expenditure, for the gross results were quite sufficient to show the necessity for a change in the present system. He also wished to inquire whether the accounts of the department had been audited up to the 31st March last, as it had been said that the Woods and Forests Commissioners were so contumacious, that it was difficult to get them to bring their accounts before the Audit Board. Were they so still? He trusted that the Government would give some information to the Committee on this matter, and also state what was the objection to these accounts being made matter of estimate.

Mr. BRISCOE said, if it had been proposed to appoint a Committee of inquiry into the whole management of the Crown property he could not have refused his assent to such a Motion; but he could not give his vote for the Amendment of the hon. Member (Mr. Caird). It was admitted generally that the office of mineral inspector ought to be retained, and he did not therefore see upon what plea the Committee could be asked to vote for striking out the salary of £800.

Mr. WILSON stated, in answer to the hon. Baronet (Sir H. Willoughby) that, as far as he knew, there was no question between the Audit Board and the office now under discussion; on the contrary, he believed the audit had been most satisfactory. As to the proposal of the hon. Baronet that the expenditure he referred to should come before the House of Commons in the shape of estimates, he could not say that the Government had come to any conclusion yet on this subject. No doubt some of the expenses might be estimated, but from the nature of the property it would be impossible to do this with other portions, or at all events they would be estimated in a very loose manner. The question, however, should receive further consideration.

Mr. COWAN said, he thought that the hon. Member for Dartmouth had done good service to the country in bringing this matter before the House, and that he trusted that the result of the discussion would be the institution of a searching inquiry into the whole management of the woods and forests. The Bill for legal expenses in Scotland was much too large. The privileges of the Crown were often used as a pretext for oppressing the subject; and, in his opinion, the system of giving a solicitor an unlimited power of drawing on the Treasury for money to carry on lawsuits was a direct encouragement to such oppression.

Mr. CAIRD said, in the remarks which he had made he had no intention whatever to find fault with the appointment of the mineral inspector, but he must say that the expenses of the whole department were far greater than was necessary. With regard to the legal expenses, he thought it would be much better to place the solicitor in Scotland on the same footing as the solicitor in England, and pay him by salary. In the time of James the Second, the forests yielded a larger supply of timber than they did at the present time. Crops that would not arrive at maturity in less than 150 years were not proper crops for cultivation in this country, particularly when timber could be obtained at a cheaper rate from other sources.

Mr. STEUART observed, that there was no doubt great mineral wealth in the possessions of the Crown, and that a mineral inspector therefore was an officer who might prove extremely useful. He Mr. Steuart, was well acquainted with some parts of the New Forest, and believed they might be let in small allotments, or sold with advantage to the public interests. Still, he hoped that the hon. Member for Dartmouth would be content with having brought the subject before the Committee, and that he would not press his Amendment.

Motion made, and Question—

"That a sum, not exceeding £13,664, be granted to Her Majesty, to complete the sum necessary to pay the Salaries and Expenses of the Office of Woods, Forests, and Land Revenues, to the 31st day of March 1858," put, and *negatived.*

Original Question put, and *agreed to;* as was also the next Vote—

(16.) £13,876, Public Records.

(17.) £217,240 Poor Law Commissions.

Sir HENRY WILLOUGHBY said, that many years ago Lord Althorp promised that when the administration of the Poor Law should be brought into good working order the Commission would be abolished and the department would be attached to the Home Office. However ably the Poor Law Board was presided over at present, it was impossible to deny that it was very unpopular with the country. He wished to know, therefore, whether there was any hope now, after a lapse of nearly twenty-one years, of reducing the great expenditure of the present department, and of arriving at that happy state of things when the Poor Law Commission might be dispensed with.

Sir GEORGE GREY said, that since the period to which the hon. Baronet had referred the subject had been very fully considered by Parliament, and it had been determined that the Poor Law Board should be represented in that House by a President. Under those circumstances the Act passed by which the present constitution of the Board was established, and he thought that every one must acknowledge that the result had been satisfactory. There had been since that time an officer in Parliament responsible for the management of the Poor Law, who was thoroughly acquainted with all the details of its administration, and who could at once give explanations and answer questions which might be addressed to him, without going to any other department to obtain the requisite information. He thought that the present arrangement afforded a much better administration of the Poor Law than the old system, and it was not proposed, therefore, to abandon it in order to recur to a less satisfactory mode of management.

Sir GEORGE PECHELL insisted that it was considered, generally, that the action of the Poor Law Board was not satisfactory, but that there was great room for reform. When the right hon. Gentleman the Member for Leeds (Mr. Baines) was president of that Board the popular feeling which existed against it had become much modified; but the country could not be always sure of having so able a president at the head of that department. It appeared to him (Sir G. Pechell), that the work done by the Board generally was very small, while the salaries to its staff were very large. The Board commenced its Reports with the words "We, the Commissioners," but the Reports were signed by the President only, and they rarely contained anything which was worth knowing or that was not known already. For instance the main feature of the Report of 1856 was a statement that the Commissioners had settled a dispute between the University and the town of Cambridge; and yet for this Board the country was called upon to pay £36,000, just £400 more than last year. He also thought that these Reports ought to be addressed to that House, instead of Her Majesty, the Queen. The Board appeared to have been in hot water with half the unions of the country, the disputes arising out of the most trifling matters. Recently they applied to the guardians of Gateshead for the exact quantity of the suet used in that union to a pound of flour, and the answer of the guardians was a resolution to forward one of the dumplings referred to in the application, to enable the Commissioners to judge for themselves. Again, in another case, that of the guardians of Dudley, the Board held a correspondence and carried on a litigation, extending over many months, about some petty charge of £2 10*s.* for plum puddings used in the union. There was no end to these cases; but the great evil was the large amount of law charges involved in them, and the House of Commons could not apply its economical principles to a better purpose than reforming this Board.

MR. C. CLIVE observed, that the law expenses under the old system were far greater than under the present Board. He wished to know what had been done with respect to the retiring allowance of Mr. Richard Hall, one of the Poor Law Inspectors, a most useful public servant, who was now broken in health, and consequently compelled to give up his appointment.

MR. P. W. MARTIN said, he could not agree with those who condemned the Poor Law Board as extravagant. It might have its faults, as what or who had not, but he considered it to be the only guardian of the helpless poor, whom it protected from the tyranny of the local authorities, and especially in the metropolitan parishes, as the blue-books would show, with respect to the parishes of St. Mary-le-bone, and Pancras.

SIR HENRY WILLOUGHBY observed, he was as anxious to protect the poor from tyranny as any man, but he wished to see it done in a constitutional manner, and by constitutional means. He did not complain of the principle of the Poor Law, but of the heavy expenses connected with its administration.

MR. WILSON said, that with regard to the question of the hon. Member, he would remind the Committee that the Poor Law Board was originally an experiment, and the officers were appointed at salaries that did not contemplate any retiring allowance or payment to the superannuation fund. Consequently no deduction had been made on this latter account, and the Treasury, in dealing with Mr. Hall's case, had granted him a superannuation allowance subject to a deduction equivalent to what he would have paid had he contributed to the superannuation fund.

MR. C. CLIVE contended that such an arrangement was not fair to Mr. Hall, who had passed twenty-four years in the service of the Board, and during that period had been one of its most efficient and useful officials. No difficulty could be got over without his assistance—indeed, much of the success of the Board was owing to his exertions, and of all the public servants, he, at least, was the one most entitled to a superannuation allowance beyond a paltry £150 year which appeared to have been granted to him.

MR. W. WILLIAMS said, that the Poor Law Board in Ireland was much more expensive than that of England. In England there was but one Commissioner, at a salary of £2,000 a year. In Ireland there was a chief Commissioner at a salary of £2,000, and two Commissioners at salaries of £1,200 each. In England there were but forty-four clerks, in Ireland forty-seven. The English Board dealt with upwards of 600 unions, the Irish with but 120 or 130; and the sums expended for the relief of the poor in Ireland were now much less than in England.

MR. KIRK said, he wished to call the attention of the Committee to the fact that, with regard to Ireland, the Consolidated Fund only bore the expense of the Dublin office; all other expenditure being paid out of the local rates, which was not the case in England. For instance, this Vote included £28,000 for the salaries of schoolmasters and schoolmistresses, and £100,000 for medical attendance in England and Scotland, both of which charges were in Ireland defrayed out of the poor-rates.

MR. HENLEY said, he must remind the hon. Member of the charge for the constabulary in Ireland. Previous to 1846 half the charge was paid by the localities, and the other half out of the Consolidated Fund; but, after that year, the whole was thrown upon the Consolidated Fund. Depend upon it, Ireland got her fair share out of the Chancellor of the Exchequer.

MR. KIRK said, that the grant referred to was for the benefit of the Irish landlords, who paid but little of the poor-rates, and to whom the second half of the grant was given about the year 1846, as a compensation for the free-trade measures which it was thought would seriously injure them. Instead of being injured, however, they had benefited by these measures.

MR. HENLEY: Then let them show their gratitude for free trade by giving up half the Vote for the constabulary.

MR. GROGAN said, that the plain fact was, that half the charge for the constabulary of Ireland was originally placed on the Consolidated Fund, because the Government appointed the whole of the officers, and had the entire control of it; but, when it was found a convenient policy to repeal the corn laws and establish free trade, the Minister of the day, Sir R. Peel, being aware that that policy would be injurious to Ireland, thought it right to place on the national Exchequer the remaining half of the charge. As the schoolmasters and half the expense of medical officers were paid in England, it was not just that the same payments were not allowed in Ireland.

Vote *agreed to.*

(18.) £36,195, Mint.

MR. CROSS said, he wished to advert to the Reports of the Commissioners on Decimal Coinage, and to ask whether, as the florin piece had been struck to pave the way to the establishment for a decimal coinage, the Government would take into consideration the expediency of now going one step further, and of introducing into the currency a coin of the value of the hundredth part of a pound sterling, which seemed on all hands to be fixed as the basis of the decimal system?

THE CHANCELLOR OF THE EXCHEQUER said, that the Commission appointed to report on the subject of decimal coinage was composed of very able men, who had collected evidence which was embodied in a preliminary Report, and one of the Commissioners (Lord Overstone) had accompanied that Report by a paper, in which, in the form of questions, was set forth a number of matters deserving consideration by those who wished to see an immediate change in the denominations of the coinage. The Commissioners were still prosecuting their inquiries, and it was not the intention of the Government at present to make any alteration in the denominations of the coinage by introducing such coins as cent and mil, the 100th and 1,000th part of a pound sterling. The cent would amount in value to twopence and two-fifths of a penny, and he would answer the question of the hon. Member by asking him another. Would the hon. Member who desired to see the cent introduced have it in silver or in copper? If the coin were in silver, it would be inconveniently small, and if in copper, it would be inconveniently large. Now, the Government would wait the hon. Member's solution of that dilemma before undertaking to issue a cent.

MR. CROSS said that, if the difficulty stated by the Chancellor of the Exchequer was to be considered insuperable, a decimal coinage never could be established, and the Commission might as well be abolished. He, however, did not see the great difficulty. There was already in circulation a threepenny piece, and the difference between that and a piece of the value of twopence and two-fifths of a penny was almost inappreciable. The new coin would not be so small, if the elaborate work which was put upon coins was dispensed with, and the metal beat out.

MR. HEADLAM thought the course taken by the Commissioners very unsatisfactory, as they recommended neither one thing nor the other, so as to enable the House to deal with the matter. He asked the Chancellor of the Exchequer whether, assuming the objections to a decimal coinage to be, as he suggested, insuperable, it was desirable to maintain the florin-piece in circulation? The florin-piece would be convenient if a decimal coinage were to be established; but, if not, there would be no advantage in retaining it side by side with the halfcrown.

SIR WILLIAM JOLLIFFE thought the course pursued by the Commission was, to a great extent, unsatisfactory to the country. If the Chancellor of the Exchequer would look to a late Report of one of the Inspectors of Schools, he would see how warmly a decimal system of calculation was advocated. He hoped the Chancellor of the Exchequer would again consider the matter, and see that some determination was come to; and he was sorry to perceive cold water thrown on a proposition which, if carried into effect, would be a great boon to the commercial community. He would suggest that the proposed coin should consist of an alloy, and then there would be no difficulties as to its size.

The CHANCELLOR of the EXCHEQUER said, he wished not to be understood as expressing any definite opinion upon the question of decimal coinage generally, which he considered to be referred to the inquiry of a Commission. All that he did was, to answer a specific question put to him by an hon. Member, and after hearing that hon. Member's remarks in reply, he still retained his opinion that a coin of the value of twopence and two-fifths of a penny, of whatever metal composed, never could be a current coin of this country. But let him remark that the advocates of a decimal coinage were by no means unanimous. There were a variety of theories. One school of decimalists started from the pound sterling, as the unit of value, another from the penny. It by no means followed, that the coinage should be based on one coin being the 100th part of a pound. We might have a coin of 10*d.*, and another coin of 100*d.*, and so on, advancing from 1*d.*, and discarding the pound altogether. That was one of the many schemes for the purpose of considering which the Commission had been appointed.

Mr. CROSS said, he had collected from the Reports of the various Committees and Commissions that the pound had really been fixed upon as the basis of the coinage. One step in that direction had been taken by the issue of the florin, and as that had been found to answer so well, his object in questioning the Government was to ascertain whether they had any intention of taking another preliminary step in the same direction, which might probably answer equally well.

Lord JOHN MANNERS asked, whether any steps had been taken to call in the halfcrown?

The CHANCELLOR of the EXCHEQUER said, that no steps had been taken for that purpose.

Vote *agreed to;* as was also

Sir William Jolliffe

(19.) 14,995, Inspectors of Factories, &c.

(20.) 6,054, Queen's Remembrancer (Scotland).

Mr. W. WILLIAMS said, he wished to ask, what was the nature of the duties of the Queen's Remembrancer?

Mr. WILSON said, that the office of Queen's Remembrancer was one of very great importance, combining some of the duties of the Chancellor of the Exchequer and the Board of Inland Revenue in England. The whole of the Scotch payments to the revenue passed through his office.

Vote *agreed to.*

(21.) Motion made, and Question proposed, "That a sum, not exceeding £6,431, be granted to Her Majesty, to defray the Charge of Salaries for the Officers and Attendants of the Household of the Lord Lieutenant of Ireland, to the 31st day of March 1858."

Mr. ROEBUCK said, that this Vote would be one of the items in the bill of indictment which he meant to bring against the office of Lord Lieutenant of Ireland. It was quite clear, from the details of the Estimate, that this was mere spending of money for spending's sake. For instance, there was a gentleman usher, a gentleman of the chambers, four aides-de-camp, and two gentlemen at large charged for. Anything more trumpery than the whole affair of the Viceroyalty of Ireland could scarcely be conceived, and he hoped that this was the last time the Vote would ever come before them.

Mr. W. WILLIAMS said, he would move to reduce the Vote by £1,574, charge for Queen's Plates to be run for in Ireland.

Sir WILLIAM JOLLIFFE defended the item, on the ground that it was for a national purpose. All our legislation in this country had been unfavourable to the improvement of the breed of horses. We taxed horses and we taxed carriages, which was, in fact, another tax upon horses, and such plates as these were the only encouragement given to the breed of horses. In all countries which had not such a good breed of horses as ours, great national establishments were kept up at the public expense. Horses in this country had been at a scarcity price, and the foreign dealers got hold of all our best. It was to Ireland that we had to look for horses of all descriptions, and if it had not been for Irish horses in the late war, we should have been very hardly put to it. Looking, therefore, to the great necessity for encouraging the breed of horses, he hoped the Committee would not agree with the Amendment of the hon. Member opposite.

MR. ROEBUCK remarked, he was astonished to hear from the hon. Baronet that these plates had anything whatever to do with keeping up the breed of horses. Surely, the scarcity price at which the foreign dealers were ready and willing to buy our horses was sufficient of itself for that purpose. This was, in truth, a little remnant of that system of protection which had been done away with in the rest of the empire; and he (Mr. Roebuck) must insist that Ireland had come to a pretty pass, if its prosperity at all depended on this Vote.

MR. MILES was afraid that the hon. Members for Sheffield and Lambeth did not ride much, or they would know the advantage of having a horse of good blood and able to get through a long day's work. Nobody knew that better than an old fox-hunter like himself. He could assure the Committee that nothing had done more to encourage the breed of horses than plates of this sort, and from what he had heard from foreign dealers, he believed that such encouragement was much wanted abroad. He admitted that this was a remnant of protection, but it was for a good purpose; but the fact was, that owing to our superior breed of horses, we sold at the dearest price, and the Government by this Vote would assist this result as much as possible.

MR. ROEBUCK said, the argument of the hon. Gentleman was a fox-hunter's argument. The Committee were told that foreigners gave such extravagant prices, that they bought our best horses, and that protection was therefore requisite. If the Vote depended upon that argument, he thought it was doomed.

MR. PALK remarked that he could not admit that the hon. and learned Member for Sheffield was not a good rider, for certainly no man rode his own hobby better or more perseveringly. The hon. and learned Gentleman was an avowed financial reformer, but if this Vote of £1,500 were expunged from the Estimates he would ask the hon. Member what fraction would go into the pocket of any individual in this country? He thought that if the grant of so small a sum tended to improve the breed of horses it was money well spent; but even if, without effecting that object, it kept up a good feeling between Ireland and this country, he considered that, simply upon such a ground, it ought to be continued.

LORD JOHN MANNERS suggested that if the hon. Member for Lambeth wished to maintain a character for consistency he ought not to divide the Committee upon this question, for some four months ago Parliament had, without a division, voted the sum required for two Queen's plates in Scotland, and he thought the hon. Gentleman would bring a hornet's nest about his ears if he robbed Ireland of a similar privilege.

MR. W. WILLIAMS said, that last year he divided against the Vote for Queen's plates in Scotland, and he intended now to take the sense of the Committee upon a similar Vote for Ireland. If he was defeated on this occasion, he would next year divide upon the Vote for the Scotch plates.

Motion made, and Question put, "That a sum, not exceeding £4,857, be granted to Her Majesty, to defray the Charge of Salaries for the Officers and Attendants of the Household of the Lord Lieutenant of Ireland, to the 31st day of March 1858."

The Committee *divided*:—Ayes 55; Noes 202: Majority 147.

Original Question put, and *agreed to.*

The following Votes were also *agreed to*:—

(22.) £15,358, Chief Secretary to the Lord Lieutenant of Ireland.

(23.) £5,118, Paymaster of Civil Services in Ireland.

(24.) £1,783, Inspectors of Lunatic Asylums in Ireland.

(25.) £15,997. Board of Public Works in Ireland.

MR. W. WILLIAMS complained that the number of officers connected with this Board was altogether unnecessary. He especially referred to the number of Commissioners, and the fact that there were two deputy chairmen when one was sufficient.

MR. WILSON said, the Board of Works in Ireland had very heavy duties to perform. The drainage works alone occupied the attention of two of the Commissioners.

Vote *agreed to*; as were also the following Votes.

(26.) £26,575, Auditing of Public Accounts.

(27.) £11,753, Copyhold, Inclosure and Tithe Commission.

(28.) £8,130, Inclosure, and Drainage Acts.

(29.) £26,300, General Register Office.

(30.) £2,432, General Register Office, Dublin.

(31.) £4,085, Registrar Gêneral, Edinburgh.

(32.) £8,921, National Debt Office.

(33.) £1,805, Public Works Loan Commissioners.

(34.) £1,170, West India Islands Relief Commissioners.

(35.) £1,320, Commissioners in Lunacy.

(36.) £684, County Roads, South Wales.

(37.) £1,659, Registrars of Friendly Societies.

(38.) £22,000, Secret Services.

(39.) £300,745, Stationery, Printing, &c.

Mr. W. EWART said, he wished to make a suggestion with respect to the expense of printing incurred by the House. It was an indisputable fact that a great many Returns were ordered to be printed on the Motion of Members of the House, parts of which, and in some cases the whole, might already be found in Returns already granted. Some supervision over this department of the public expenditure was therefore highly necessary; and he would suggest that before an hon. Member moved for a Return he should confer with the Statistical Department of the Board of Trade, which had been organized for the express purpose of collecting and arranging the statistics of the country, in order to see whether or not the Return he desired to have was one which could be furnished by that department.

Sir FRANCIS BARING said, the expenditure for printing and stationery was enormous, and he was afraid it was one over which the House had at present very little check. The check must be applied by the Treasury. In 1848 the Treasury set to work and laid down certain checks, with a view to lessen this branch of the public expenditure, and in the course of four years they reduced it by about £80,000. The war came, however, and then the expenditure for printing and stationery was, of course, greatly augmented; and even now it was double what it was in 1852. He thought, now that there had been a return of peace, it was high time that effective measures were taken to reduce this department of the public expenditure, and he could wish to hear from his hon. Friend (Mr. Wilson) what the Treasury had done towards carrying out the recommendations made on this subject by the Controller of Stationery. When he (Sir F. Baring) was at the Admiralty he thought the expenditure for the library there was excessive, and that more expensive books were purchased than were necessary. He observed that the Controller of Stationery had made the same remark, not only as respecting the library of the Admiralty, but also those of every other public department. He (Sir F. Baring) submitted that there would never be an effectual control over this branch of expenditure until each department was rendered accountable for its own particular outlay for printing and stationery.

Mr. WILSON said, the Treasury had taken steps towards carrying out the whole of the recommendations of the Controller of Stationery, with one exception, and there would be laid before the House in a day or two a Return which would show in one view the expenditure in this respect of each public department, which, he trusted, would answer as a check to some extent such as his right hon. Friend (Sir F. Baring) desired to see imposed on this part of the public expenditure. With the same view the Treasury were about to cooperate with the Printing Committee appointed by the House. At the same time, he wished to remind his right hon. Friend and the Committee that some new items were added to this Vote which did not appear in the Estimate under this head in 1852, including, among others £40,000 for patents, and £30,000 connected with the transfer from the Inland Revenue Office; so that a very large proportion of the money now included in this Vote was formerly voted under different heads, and that the increase was therefore more apparent than real.

Vote *agreed to.*

(40.) £88,045, Postage of Letters.

Mr. BENTINCK said, he thought that was an item which had better not appear on the Estimates at all, inasmuch as the result was only to play off one public department against another. Instead of having this annual charge for postage, he suggested it would be better that the public departments should return to the system of franking, and of receiving letters free of expense either to them or the writers.

Mr. WILSON said, there was no doubt it was a mere transfer from one department to another, and he did not think there was much utility in it, except to show the exact amount of the Post Office receipts and expenditure. When the Penny Post Act was passed, and the privilege of franking was given up, it was thought better that the Post Office should be credited for the business it did for the other public departments.

MR. BENTINCK said, he was one of those who had always thought the Penny Post Act one of the greatest jobs ever perpetrated, and one of the greatest financial mistakes ever committed by the country. It was no use continuing the Estimate merely to test the working of the penny post.

SIR FRANCIS BARING suggested that the hon. Gentleman should try to bring back the old rates of postage, and he would then see what was the feeling of the country with regard to the penny rate. It was thought that the accounts ought to show the amount of service performed by the Post Office, and the charge was brought into the Estimates in order to put a stop at once to the gross abuse of official franks. He was inclined to think that abuse was carried to an enormous extent, and he was afraid, if they gave the public offices the right of franking, the same abuse would recur.

MR. BENTINCK said, he had never been in office, and did not know what abuses were practised by official men. The hon. Baronet was, no doubt, a better authority on that subject than himself. He did not admit the merits of an Act because it was difficult to rescind it.

MR. ROEBUCK said, there were two objects in voting this money—to know what was expended, and to check persons spending more than necessary. The appearance of this item prevented any abuse of the Post Office machinery. The "Ambassadors' bag" in past times had been sadly weighted. Coats, lace, boots, and other articles, were sent by it, even a pianoforte, and not only a pianoforte, but a horse.

MR. BENTINCK said, it seemed to be quite true that the hon. and learned Gentleman did not know much about horses, since he imagined a horse to be sent in an ambassador's bag.

MR. PEASE thought it fair to show the amount of work done by the Post Office.

Vote *agreed to;* as were also the following Votes—

(41.) £24,130, Law Charges.
(42.) £250,000, Prosecutions.
(43.) £105,980, Police.
(44.) £1,140, Crown Office, Chancery.
(45.) £2,140, Crown Office, Queen's Bench.
(46.) £16,319, Sheriffs.
(47.) £6,480, Registrar of Admiralty.
(48.) £7,226, Insolvent Debtors' Court.
(49.) £109,062, County Courts.

MR. ROEBUCK inquired whether the aggregate amount of the fees derived from the suitors in County Courts was printed in the public accounts?

MR. WILSON replied that the statement of the fees in question was being prepared, and would be laid before Parliament as soon as possible.

MR. ROEBUCK said, he was informed that the fees exceeded the expenses of the County Courts, which consequently paid themselves. As a contrary impression existed, he should like to know the sum which was actually reaped from the suitors in the shape of fees.

MR. WILSON stated that before the fees were reduced last year they were inadequate to defray the expenses of the Courts. They were now, of course, still more inadequate, and the deficiency had still further increased by an increase in the salaries of the registrars. The item of £60,000 in the Vote was an estimate of the deficiency for the present year.

MR. ROEBUCK remarked that he believed that the increased expenses of the County Courts had arisen from the fact of the salaries of the high bailiffs and registrars being raised. He wanted to know whether the Treasury had received letters from County Court Judges stating that high bailiffs were not required, and that reappointments would impose an unnecessary burden upon the country.

MR. WILSON replied that communications to that effect had been received by the Treasury, and he quite agreed with the writers that high bailiffs were an unnecessary expenditure, and that in a short time the House would have to reconsider the constitution of the County Courts as far as high bailiffs were concerned.

MR. ROEBUCK said, he would ask, as such was the opinion of the hon. Gentleman, whether the Treasury had received a letter from a County Court Judge, stating that a vacancy in the office of high bailiff was about to take place in his district, and requesting to be informed what he ought to do, and whether, in answer to that communication, the Treasury had left the whole responsibility upon the Judge, thus abdicating one of its most important functions, which was to guard the public purse.

MR. WILSON replied that the hon.

Gentleman had correctly stated the purport of a letter received by the Treasury, and the nature of the answer. The Treasury was not authorized by the Act to interfere in any way with the appointment of high bailiffs, which was left to the discretion of the Judges.

Mr. HENLEY suggested that in future the Estimates should be so framed as to enable the House to see what the actual expenses of the County Courts were, and also what was the entire amount received in the shape of fees. The House would then be able to ascertain whether the Courts paid themselves or not.

Vote *agreed to;* as were also the following Votes—

(50.) £19,625, Police Courts.
(51.) £63,645, Metropolitan Police.
(52.) £2,715, Queen's Prison.
(53.) £2,342, Lord Advocate, &c.
(54.) £11,767, Court of Session.
(55.) £10,029, Court of Justiciary.
(56.) £5,550, Criminal Prosecutions.
(57.) £1,080, Exchequer (Scotland).
(58.) £50,000, Sheriff Courts.
(59.) £7,955, Procurators Fiscal.
(60.) £6,553, Sheriff Clerks.
(61.) £2,200, Solicitor of the Crown.
(62.) £11,067, General Register House.
(63.) £739, Commissary Clerk.
(64.) £1,878, Bankruptcy.
(65.) £51,470, Criminal Prosecutions in Ireland.

Mr. W. WILLIAMS would express his opinion that this portion of the Estimates required consideration. He had not expected such rapid progress to be made, and had left his copy of the Estimates with marginal annotations at home. He therefore moved that the Chairman do report progress.

Mr. P. O'BRIEN observed that he thought it exceedingly strange that directly a Vote for Ireland was proposed the hon. Member for Lambeth should offer a factious opposition.

Viscount PALMERSTON said, he hoped the hon. Member for Lambeth would not persist in his Motion. The Votes in this branch were not numerous, and it was desirable to proceed with them.

Mr. W. WILLIAMS would admit the Votes were not numerous, but their total amount was large—£762,000, and he was not prepared at that moment to point out several items, which required explanation.

Viscount PALMERSTON reminded the hon. Member that he could avail himself of the interleaved copy of the Estimates on the Report.

Motion made, and Question, "That the Chairman do report progress, and ask leave to sit again," put, and *negatived.*

Vote *agreed to;* as were also the following Votes:—

(66.) £6,979, Officers of Court of Chancery.
(67.) £1,778, Queen's Bench.
(68.) £1,801, Common Pleas.
(69.) £1,510, Exchequer.
(70.) £100, Clerk to Taxing Officers.
(71.) £3,232, Registrars.
(72.) £1,788, Registration of Judgments.
(73.) £200, Delegates.
(74.) £1,866, Insolvent Debtors' Court.
(75.) £167, Court of Errors.
(76.) £1,100, Police Justices, Dublin.
(77.) £24,500, Divisional Police Courts.
(78.) £394,820, Constabulary.
(79.) £1,479, Four Courts, Marshalsea.

House resumed; Resolutions to be reported *To-morrow.*

Committee to sit again on *Wednesday.*

ACCOMMODATION IN SHERIFFS' COURT (SCOTLAND).

On the bringing up the Report of Supply,

Mr. COWAN said, he wished to ask the Lord Advocate or Home Secretary if any complaints had been received of a grievous want of accommodation for the administration of justice and for the exercise of the functions of the Sheriffs, Procurator Fiscal, and other officials, in the Sheriffs' Court in the city and for the county of Edinburgh, and if it was the intention of the Government to adopt any measures for remedying the evil? Recent changes in legislation had caused a great deal of additional work in the Sheriffs' Courts, and the accommodation was wholly insufficient. He had received a letter from one of the Gentlemen interested in this question, which, had it not been so late, he would have read to the House. He would, however, content himself with pointing out the extremely inefficient state of the public offices in this respect.

Sir JOHN OGILVY said, he was desirous of corroborating the statement which had just been made, and to bear testimony to the inadequacy of the Courts at Edinburgh and Dundee.

The LORD ADVOCATE said, that, no doubt, the evil of which the hon. Member complained was very great, and required a remedy. He had been prevented by the dissolution of Parliament from proposing a general measure on the subject, but he hoped before next Session to direct the attention of the Government to the want of accommodation in the Sheriffs' Courts.

Resolutions *agreed to.*

REFORMATORY SCHOOLS BILL.

SECOND READING.

Order for Second Reading read.

Mr. ALCOCK hoped, if they meant to discuss the Bill, that the order for the second reading would be postponed, as at that hour of the morning (twenty minutes past twelve) it would be impossible to discuss it.

Sir GEORGE GREY said, he was under the impression that no one objected to the Bill. It differed considerably from the Bill which had been before the House on a former occasion, and its main provision was to give certain powers to magistrates for the purposes of aiding in the establishment of reformatory schools. There was a measure before the other House which stood over until this measure should come before that House. It was, therefore, desirable that no unnecessary delay should take place, and, moreover, it would be difficult to name a day for the second reading of the Bill, if it was not proceeded with at that time.

Mr. MILES hoped his hon. Friend would withdraw his opposition to the Bill being read a second time. He had no doubt that when the Bill went into Committee, provisions would be introduced to rectify its defects, and prevent the admission of boys of sixteen and upwards into the same establishment with younger children. By such indiscriminate association, the younger children were only corrupted and the discipline of the school destroyed. He looked upon the Bill now introduced as a compromise between the system supported by voluntary efforts and that by which the expense of the schools was provided for out of the county rates; and considering the great benefits which would be obtained by the establishment of these schools, he thought that the Bill would meet with the support of both classes.

Mr. ALCOCK was again about to address the House, when he was stopped by cries of "Order."

Mr. MAGUIRE trusted the hon. Gentleman would not withdraw his Amendment, because, as there was a difference on the principle of the measure, the Government ought not to press it forward at half-past twelve at night.

Mr. P. O'BRIEN also complained at the Bill being pressed that night.

Mr. HENLEY hoped, that when the Bill went into Committee, a provision would be introduced by which the children in counties where no reformatory schools could be established, by reason of the smallness of the number, might be admitted into the reformatories of the neighbouring counties on the payment of a weekly, monthly, or annual sum. He did not wish that there should be any alteration in the principle of the measure.

Motion made, and question put, "That the Bill be now read a second time."

House *divided:*—Ayes 154; Noes 6: Majority 148.

Bill read 2°, and *committed* for *Thursday.*

JOINT-STOCK BANKS.

COMMITTEE. LEAVE.

Acts read.

Mr. LOWE, in moving that the House reslove itself into Committee to consider the laws relating to Joint-stock Banks with the view of a Bill being brought in to amend those laws, said, that at that late hour (twenty minutes to one o'clock) he would trouble the House with very few words on the subject. The law relating to Joint-stock Banks was in a very unsatisfactory state. Great difficulties were interposed by the law in the way of forming a company, and when it was formed it gained no privilege by its formation except a bare licence to trade, and was still subjected to almost every possible inconvenience which the law could accumulate upon it. Persons desirous of forming a company had first to petition the Crown for the grant of a charter. That petition was referred to the Board of Trade, which ascertained that all the requisites had been complied with. A charter was then granted containing a considerable number of conditions which formed great difficulties in the way of *bonâ fide* companies, but which were uniformly eluded, as in the case of the Royal British Bank, by companies not *bonâ fide.* That charter, which was obtained after very great delay and expense, gave a mere licence to trade, but no privilege whatever. As long as the company went on prosperously it went on just like every other corporation, but should it fall into difficulties, the unfortunate shareholders were sure to discover that they were not invested with any kind of privilege whatever, but are subject to all sorts of legal processes. They are handed over to be wound up either by a Court of Bankruptcy or by a Court of Equity, or by both together, a fight taking place as to which of the Courts shall have the privilege of winding them up. As if that was not enough, the common law jurisdiction is also put in force against the shareholders, so that, in addition to being wound up by two Courts, they are sued at common law for payment of the debts due from the Company. The object of the Bill which he desired to introduce was to remedy these evils, and the manner was very simple. It consisted, in fact, merely of repealing so much of the Joint-stock Companies Act of last year as enacted that Joint-stock Banks should not come within its operation. In future, therefore, Joint-stock Banks might be formed like any other Joint-stock Company, by a memorandum, and the application of the few simple provisions contained in that Act. There would be a register of the shareholders which would be *primâ facie* evidence of the persons who were to be called upon to contribute. Such a bank would be liable to certain powers of inspection by one-fifth of the shareholders, and in case it came to be wound up, as soon as it was handed over to the Court which was to wind it up all actions against the shareholders would be stopped. It was proposed to retain the present limitation of shares in Joint-stock Banks to £100, and the proposed Bill would not make any alteration in the law, which at present required the liability of shareholders of Joint-stock Banks to be unlimited.

House in Committe.

MR. MALINS entirely approved the general object of the Bill, but regretted that it was not proposed to limit the liability of the shareholders in Joint-stock Banks as well as in other joint-stock undertakings. He hoped that what were understood to be the right hon. Gentleman's own views on this subject had not been overruled; but, if so, he trusted the Government would not consider that this subject had been finally decided. He felt satisfied that it was necessary for the good conduct of Joint-stock Banks, and in order to induce persons of substance to join them, to provide that such persons should not forfeit the whole of their property upon the failure of these undertakings.

MR. COWAN asked whether it was intended that this Bill should apply to Scotland?

MR. LOWE: Yes.

MR. ROEBUCK said, he was surprised to hear that the principle of limited liability was not to apply to Joint-stock Banks. He recollected very distinctly some observations made by the right hon. Gentleman when he brought in his Limited Liability Act. The right hon. Gentleman said then, that for his own part he did not see why that principle should not apply to Joint-stock Banks; and he must have seen by what had since occurred that unlimited liability did not hold out any security to the depositors, and, in fact, worked altogether pure unmingled mischief. Take the case of the London and Westminster Bank. The capital now amounted to £1,000,000; the deposits are £15,000,000. Suppose that bank should fail (which was, however, a very improbable supposition), although unmitigated ruin would fall on the shareholders, did any body believe any advantage would accrue to the depositors from the unlimited liability? In the case of the Royal British Bank the only result had been an amount of misery which should make the House shudder at its own work. From what had fallen from the right hon. Gentleman on a former occasion his views on this subject were evidently clear-sighted enough; it was apparent that he thoroughly understood the work he was about; and it was supposed that he would work out the regeneration of the law on this subject. He (Mr. Roebuck) was sorry the right hon. Gentleman had departed from that which, no doubt, in his heart he believed to be right, and had bowed to a prejudice which pervaded a great many minds, but ought not to have influenced his.

SIR JOHN SHELLEY added the expression of his great disappointment that the Bill did not extend to Joint-stock Banks. It was perfectly outrageous that the only Joint-stock Companies to which the principle of limited liability would not now apply should be banking companies.

MR. HENLEY said, it must not be forgotten that the great confidence reposed by the public in Joint-stock Banks, and the vast deposits entrusted to them, arose from the fact that the depositors believed they could come upon the last acre and the last shilling of every shareholder. The public were weak enough to suppose that the proprietary of these banks would be honest enough (he would almost say) to fulfil the engagements they had entered into in the prospectuses they had so widely circulated when the concern was set afloat. If a private banker failed, you "made no bones" with him. His last acre and his last shilling were seized upon, and as far as his estate went the claims of the depositors were satisfied. It was otherwise, however, with a Joint-stock Bank. Directly a crisis came, the shareholder said, "It is very hard that we should be ruined. If we were called upon for £2,000 or £3,000, we would not mind paying it; but sooner than part with all, we will make away with our property or go abroad." The result was that the creditors were bandied about from court to court; the lawyers got a great deal of money, and the creditors and depositors very little. If the creditors of these banks were to be deprived of any means of going against the shareholders, he hoped some clause would be introduced, preventing the latter from making away with their property before the winding-up was effected. As the law now stood, every shareholder in the Royal British Bank had apparently been able to disappoint every creditor, and nobody had paid anybody anything.

Colonel SYKES was of opinion that unlimited liability was calculated to prevent a man of capital from entering into any speculation, and regarded it, therefore, as impolitic to throw overboard the principle of limited liability.

Mr. WYLD said, that in the case of the British Bank, the debts were £500,000, while the assets were £250,000, and that, as the law now stood, the shareholders were liable for the balance between the debts and the assets. The consequence was, that the shareholders endeavoured to shield themselves from the payment of the debts altogether, whereas, if their liability had been limited, they would have come forward and paid their debts.

Mr. ROEBUCK said, the difference between the shareholder in Joint-stock Banks and private bankers consisted in the circumstance that the shareholders had nothing to do with the management of the business, while, with respect to the latter, the contrary was the case. He also thought it imprudent to make the holder of a single share liable for all the debts of a bank. Such a system deterred parties from joining in Joint-stock concerns. If the law was inefficient, the depositor had a fictitious security, and all the misery that the unfortunate shareholder endured afforded no substantial benefit to the depositor. If there was a greater liability attached to directorship, it might be beneficial. It might be said, that by making the responsibility of the director too great they would drive from the directory all respectable men. This was a difficulty; but he still thought that the directors who managed a concern ought to have a heavier liability than the mere shareholders, who had nothing to do with the management of the bank.

Mr. HENLEY said, the shareholder was unable to obtain credit for the bank by pledging his individual responsibility. He took his share of the profits, and therefore there was no honesty in saying that he would not be prepared to meet his liabilities.

Mr. BUCHANAN said, it was well worth while delaying till they ascertained how the limited liability system would work before it was introduced into banking. He believed the system of limited liability was vicious in principle, and that our commercial prosperity was in a great degree owing to the fact that our merchants, traders, and bankers were responsible for any concern with which they connected their names.

Mr. HANKEY would express his regret that the right hon. Gentleman (Mr. Lowe) had departed so far from principles that had been adopted by that House.

Mr. KINNAIRD said, he must object to the discussion of such a measure as this at a quarter past one o'clock in the morning.

Resolved, That the Chairman be directed to move the House, That leave be given to bring in a Bill to amend the Law relating to Joint-stock Banks.

House *resumed.*

Resolution *reported.*

Bill *ordered* to be brought in by Mr. FitzRoy Mr. Lowe, and the Chancellor of the Exchequer.

House adjourned at half after One o'clock.

HOUSE OF LORDS,

Tuesday, June 23, 1857.

MINUTES.] PUBLIC BILLS.—2^a Joint-Stock Companies Act Amendment; Roman Catholic Charities.

3^a Divorce and Matrimonial Causes; Smoke Nuisance (Scotland) Abatement.

EXPEDITION TO CENTRAL AUSTRALIA.

QUESTION.

THE DUKE OF NEWCASTLE begged to put a question to his noble Friend the President of the Council. When he (the Duke of Newcastle) had the honour of holding the office of Secretary for the Colonies, in 1853, an expedition was organized for exploring Central Australia, through the interior and up the Victoria River to the Gulf of Carpentaria; and he selected for the head of the expedition Mr. Gregory, a gentleman then living in Australia, who had taken part in previous exploring expeditions, and whose experience eminently qualified him for the position. He had heard that Mr. Gregory and his party had returned, and, with the exception of what related to a portion of the interior of Central Australia, the result of the expedition had been highly successful. The subject was one of great public interest, and the question he wished to ask of his noble Friend was, whether the Government had received any Report from Mr. Gregory, and if so, whether they would lay it on the table of the House? or, if there was an objection to that, whether measures would be taken to lay the result of the expedition before the public?

EARL GRANVILLE said, that it would be satisfactory to his noble Friend to know that he had made a most judicious choice when he selected Mr. Gregory for the head of the expedition. A Report had been received from the Colonial Government, in which it was stated that all the persons who went in that expedition attributed it to Mr. Gregory's skill and prudence that they had been brought back safely. It was stated that a great part of the interior was unfortunately found to be very sterile, but a great deal of fertile land had been found in the neighbourhood of the Gulf of Carpentaria, and the result of the expedition, in that respect, was successful. He agreed with his noble Friend that the subject was one upon which the public was entitled to every information which could be afforded, and there was no objection on the part of the Government to furnish all the information they possessed.

DIVORCE AND MATRIMONIAL CAUSES BILL.

THIRD READING. BILL PASSED.

Bill read 3^a, according to Order.

LORD REDESDALE rose to move the Amendment of which he had given notice—namely, to omit the words, "and Divorce" from the third Clause. His Lordship had further given notice, that in the event of the House agreeing to omit these words, he would move such further Amendments as might be required to deprive the Court of the power of pronouncing decrees for the dissolution of marriage. His Lordship said, that his object was to raise the question of the extent to which their Lordships were prepared to go in legislating upon this subject. There were no doubt great objections to the present constitution of the Ecclesiastical Courts, and it was desirable that they should be reformed and improved, and to the extent to which the Bill went with regard to constituting a new Court, and transferring to it jurisdiction in matrimonial causes, he proposed to offer no opposition. But he thought that their Lordships ought to have an opportunity of recording their opinions as to whether the new court which was created by the Bill should possess all the powers which it was proposed to give to it. It might be said that he moved this Amendment, and expected support, on the ground that it was not permissible to dissolve marriages; but the omission of the words which he proposed to strike out did not touch that question, and many noble Lords who did not think as he did, that marriage was indissoluble, were of opinion that in many respects this measure was premature, and that it was not desirable to invest a new and untried court with such large powers as were proposed to be conferred by this Bill, and to convert what had hitherto been a legislative into a merely judicial proceeding. There was not much discussion on the Bill till the question of divorce *à vinculo* was raised, and then Amendments were moved and differences of opinion arose, and a difficulty was felt by every one to pass a remedial measure on the subject. It was felt to be a dangerous step to throw open the power of divorce to the whole country; that it was one thing to grant relief in exceptional cases where there was the opportunity of instituting the fullest inquiry, and to grant relief in all cases, when the proceedings must necessarily assume a much looser character. Some noble Lords had changed their opinions during the course of the discussions; and looking at the number of Amendments and alterations that had been made during the progress of the Bill, it was impossible that the true views and opinions of their Lordships could be known. All this showed how desirable it was that the working of the new court in ecclesiastical matters should be known before they extended its powers to the extreme limit of empowering it to grant divorces *à vinculo*. There had been a great many petitions against the Bill, and he thought that at least a single year ought to be given in order to test public opinion and the feeling of the people with regard to such a change in the law as was contemplated by the Bill. There were no petitions in its favour; and there never had been any discontent with regard to exceptional legislation on the subject of divorce. He desired, therefore, to give the House another opportunity of expressing its opinion on the subject, and with that view proposed to omit the words "and divorce," which would raise the question in the fairest possible manner.

Lord CAMPBELL said, he was surprised to hear the noble Lord say that the country had been taken by surprise by this measure. Five long years ago a Commission was appointed to inquire into this subject; three Bills had been laid upon their Lordships' table, and one had received their assent and been sent down to the other House of Parliament. He denied that the feeling of the country was against the Bill; he said, on the contrary, that the country was resolved against the scandal of actions of *crim. con.*, and the proceedings before their Lordships on Bills of divorce. The noble Lord said that there were few petitions for the Bill, but who was to petition in its favour? Was it to be the injured husband in contemplation? The petitions which had been presented against the Bill had proceeded upon misapprehension, not to say misrepresentation. They alleged that this Bill would introduce laxity of proceeding, and would enable every one to obtain a divorce. Practically speaking, this measure would make no alteration in the law; it would only confide its administration to a different tribunal. Hitherto the two Houses of Parliament had decided cases of divorce nominally legislatively, but really judicially; this Bill would erect a judicial tribunal before which such cases could be judicially considered and satisfactorily decided. It was a poor compliment to those who would constitute that court to say that the cases would be dealt with in a slovenly manner and without sufficient pains being bestowed upon them. The men who were to fill the office of Judges in it were well versed in judicial proceedings; he knew not that any complaint of neglect of their duties had ever been made against them, and it was not likely that they would now forfeit their high reputations.

The Earl of MALMESBURY confessed he was one who had come to the same conclusion on the matter as that expressed by a noble Earl (Earl Grey) in his speech the other evening upon this subject; and every word he had heard in relation to it only tended still further to prove to him that the difficulty of legislating upon it was much greater than he had at first believed. Although he voted last year for the second reading of the Bill, he had since given the subject much greater consideration than he had ever done before; and he must say, from all he had heard and seen, he was convinced that they were very far from finding a solution of the difficulty in the measure before the House. It was said that this Bill would remove the hardship to which, under the existing law, the woman was subjected; but how was that to be done? By the existing law the woman received her punishment for the crime of adultery, though her offence was not considered in the light of a public sin, but that of a private wrong, and the public showed their feelings by turning their back upon the guilty woman. But what were they doing now? They would bring her before a judicial tribunal, and make her liable to a disgraceful punishment. By the provisions of the present Bill she might be condemned to prison like a drunken prostitute or shoplifter. Then it had been urged that the present law on the subject was a scandal, inasmuch as, under it, public decency was violated, and even morality endangered, by the perusal of such trials in the press. But, had they remedied that evil by the present Bill? He submitted it was impossible in this country, if they wished full justice to be done, to avoid exposure. The Court could not sit with closed doors, and therefore all its proceedings would be published in the newspapers. They could not prevent those publications in a country like this, which possessed a free press: therefore the scandal of a trial in those divorce cases would not be got rid of; the clause in relation to it would rather have the effect of increasing the scandal. A third objection raised against the existing law was, that the lower classes of this country were shut out from the privileges which the law exclusively gave to the rich in obtaining a divorce. He confessed he did not think that the measure before the House brought those privileges nearer to the working classes. A single court in London might, no doubt, be rendered useful to all classes residing within the metropolis; but the people in the provinces would not receive, as far as he could understand, any greater benefit from the measure than they possessed under the existing law. But what he principally objected to in this Bill was, its making the crime of adultery a public crime instead of a private wrong. He felt all the infamy of the action of *crim. con.*, but there was a principle involved in that proceeding—it showed that this was a private wrong, and not a public crime. He knew that some of the right rev. Prelates had argued that, inasmuch as adultery was a great sin, it ought to be considered as a public wrong, and that it should be publicly punished. He admitted the enormity of the crime, but he contended that they could not legislate civilly upon the Decalogue. We boasted of our religious liberty, and therefore could not legislate upon the first or second commandments. On the third we had tried to legislate, but had failed. With regard to the fourth, we had met with such difficulties that our legislation was a mass of contradictions, and absurd in the eyes of the public. The public could not interfere with adultery as with theft or murder. They could take no steps for its prevention. How would a man be treated who went to a husband, and told him that he ought to look sharper after his wife? He protested, not only as a legislator, but with all the natural feelings of a gentleman, against the adultery of the woman being considered a public crime, and against her being dragged before the public and punished by imprisonment. He thought that the fact of a woman being treated in that manner would operate to prevent men from petitioning the Court. Few would like to see their wives dragged to prison, and treated as criminals. He did not go so far as to say that there ought to be no divorce; for it would be very hard that a man should be tied for life to a profligate woman; but a great mistake had been made by this Bill, in the manner in which it treated the question. It was purely a moral question, a question of private wrong, and not a matter of police. The protection of the property of married women was an entirely different matter, but this Bill had confounded the two. No doubt the majority of their Lordships would be desirous of seeing divorce obtainable, under certain circumstances, but in a manner which should avoid all public scandal, and which would not bear the appearance of revenge on the woman. Nothing had surprised him more throughout these discussions than the extraordinary ignorance of human nature and human feelings which some of the most eloquent of their Lordships had displayed in handling this question. For himself, he would only say that, after having supported the Bill of last Session for facilitating divorce, and having supported the second reading of the present Bill, he felt constrained to mark his disapproval of the measure in its altered shape, by voting for the Amendment of his noble Friend.

THE EARL OF WICKLOW said, that when first this question had come before their Lordships he had been induced to support a proposition for facilitating divorces, from a feeling that the rich man ought not to be placed at such an advantage over the poor man in this respect. That he still thought an evil which ought to be remedied; but, on mature consideration, he felt bound to say that the arguments urged against this Bill were infinitely stronger than that single one in its favour. He should rejoice greatly if his noble Friend on the woolsack would consent to the Amendment of the noble Baron opposite. It would be infinitely better that the Amendment of the existing law set forth in the preamble, of which he heartily approved, should be first carried out before attempting to make any new law with regard to so important a subject as divorce. The moment the Bill stepped out of the preamble it was opposed to the existing law of the land and to the law of God. By both of these marriage was indissoluble, and this Bill, if passed into law, would be the first great inroad on that principle. Indissolubility of marriage was the law of the Catholic Church of England and of the Catholic Church of Rome, and the very necessity of requiring that in all cases of divorce *à vinculo* the parties should apply to Parliament for a private Bill proved that such divorces were contrary to the spirit of the law of England. As the noble Lord who moved the Amendment had said, the public at large were taken by surprise by this Bill. No doubt the question had been under discussion now for some time before Committees and Commissions, but it had never been discussed publicly. It had been said that the argument that by the existing law of the land marriage was indissoluble was advanced a century and a-half too late, because during that time divorces had been granted every year; but every case of a private Bill introduced to grant a divorce only showed that by the common law divorce was impossible. On the religious part of the case he would content himself with saying that he was thoroughly convinced the law of Scripture was opposed to this Bill. There was an opinion abroad—he did not know whether it had found an echo in that House during these debates—that there was a tendency in some portions of the community towards Rome, and that those who had opposed this Bill were of that party. Circumstances had occurred of late years to give a colouring to that opinion, but it was entirely destitute of any real foundation. The general tendency was quite the reverse—it was towards the loose theories of German Protestantism; and he believed that this Bill was entirely in that direction. In Germany, they were told, it was as easy to get rid of a wife as it was to get rid of a servant with us. If this Bill were passed, and the principle of the indissolubility of marriage were once broken through, Parliament would be asked before long to go further in the same direction, and he hoped therefore that their Lordships would resist the first step by affirming the Amendment.

LORD BROUGHAM said, he rose to administer some relief to the two noble Lords who had preceded him, having great respect for their opinions and their scruples, from the burden which this Bill appeared to have imposed upon their minds. The sum and substance of their objection to the Bill seemed to be that a change was about to be made in the existing law, which had always declared divorce to be impossible in proportion as marriage was by that law indissoluble. But, in point of fact, the law was violated and set at nought just as often as their Lordships were called on to do so, and all the conditions required were complied with. He did not say that every marriage was dissolved on such application being made; but the rule had constantly been that as often as certain conditions were fulfilled and certain requisites complied with the party petitioning for a divorce had his marriage dissolved, and that as a matter of course. It was, indeed, just as much a matter of course as that in an action at law the jury should return a verdict according to the evidence and the oath they had taken, and that judgment should be entered on the verdict. Did it not, therefore, amount to a jest to talk of indissolubility in such a case as this? To illustrate the extraordinary character of their present mode of proceeding, he might state that it was a Standing Order of their Lordships' House, not only that no divorce Bill should pass, but that no such Bill should be even presented to the House, unless it contained, among other things, a clause forbidding the subsequent marriage of the adulterer and the adultress. But what followed? Why, this clause, which the Standing Order rendered imperative, was uniformly struck from the Bill in Committee. Was this a consistent or intelligible course to pursue? Was it consistent with the dignity of their Lordships' House that such a mockery should be practised with regard to a matter so important by one of their Standing Orders? Surely it was far better that the substance should be substituted for the form, and that divorce should be in reality what it now was in practice, simply a judicial act. His noble Friend the Lord Chief Justice had very properly reminded their Lordships that no one could have been taken by surprise by this Bill, for it was the third time that such a measure had been before their Lordships; and, indeed, he could recollect many years ago being upon a Committee with his noble Friend behind him (Lord Lyndhurst), in which they discussed the policy of transferring the determination of all questions of divorce from before their Lordships to a fixed tribunal, the Judicial Committee of the Privy Council. And the proposal was only rejected on the ground that that tribunal was already overladen with business. It had been said that if they made divorce in reality a judicial proceeding, to be dealt with judicially like other matters, it would become a matter of course to comply with every petition for divorce; but such an idea would never be entertained by any person who had the least professional experience. He would venture to express the opinion that, if there was any one particular class of cases likely to command greater attention than another, it would be the divorce cases brought before these tribunals. That, he was satisfied, would be in accordance with the experience of all professional men, for the Judges, pure and exalted as they might be, were not exalted above all human thoughts and human feelings, curiosity included; and even the purest and sternest of mortals, in dealing with such questions as these, would not fail to give to them the most careful and deliberate attention. But, independently of the interest that would naturally be excited in such cases, their very importance would secure for them the fullest and most searching inquiry. No court that could be established, no professional man raised to the situation of a Judge, would ever be found deviating from the strict rule of anxiously sifting and searching into the nature of the whole of these cases. Suspicion seized the minds of Judges as well as other men; and the suspicion that all was not so right in the case of the petitioners, and that all was not so wrong in that of the defendant as might be represented, was sure to enter deeply into their minds, and lead them to a thorough and sifting investigation. All circumstances must be proved before the Judges, as at present in that House. Let it not be supposed that there would be any very great increase in the number of divorces, although undoubtedly there might be some slight increase when the hindrances which were presented at present to persons of small means who wished to obtain divorces were removed. If justice were denied by reason of the expense, the delay, and vexation attending the present court, probably more parties would resort to the new tribunal, in order to obtain that redress which had hitherto been virtually denied. But was that an evil? On the contrary, it was a step in the right direction. Look to the example of Scotland upon that point. In no part of Christendom was there a more sacred regard for, or more reverential awe of, the Holy Scriptures than in Scotland; nowhere were there greater safeguards for the people and for the ministers than on this point; yet there, from time out of mind, had divorces been granted upon proper application to the courts. He did not quote the case of Scotland in order to prove that noble Lords who objected to follow her example were wrong in their views, but simply to show the opinion of that most religious people as to the dissolubility of marriage. Quitting, however, the theological question, he thought the example of Scotland was most important in another way. Noble Lords had said, if the law were relaxed, and divorces were made more easily procurable by the poorer classes, the number of applications would be alarmingly increased. But how was it in Scotland, where a law had existed so long, and which enabled an aggrieved person at a moderate cost to obtain the relief he desired? Instead of divorces being frequent, there were only seventeen in one year, and in two other years the number of divorces granted was respectively ten and twenty. He had, therefore, no apprehension that any measure rendering the law somewhat, although not altogether, equal as between rich and poor, would have the effect of inducing a frequency of divorces. But an objection had been urged against the Bill upon the ground that, if it were passed, Parliament would immediately be asked to go further, and there was no knowing where such legislation would stop. That objection might be raised against every change in the law, and the proper answer to it was, "Wait until any unreasonable proposition is brought forward, and then oppose it." There was, however, one point in the Bill which he thought required consideration, and that was the nature of the penalty to be inflicted upon the guilty parties. He was in favour of treating adultery as a misdemeanour, but not as one punishable by fine or imprisonment at the option of the Court. He thought the penalty should be absolutely a pecuniary one, as, among other objections to the infliction of imprisonment for adultery, he could never consent to permit persons to be tried, convicted, and punished, without the intervention of a jury. Besides, after obtaining a divorce, no husband would like to proceed to a prosecution of the woman whom he had put away. The abolition of the action for criminal conversation well deserved the serious consideration of their Lordships. He had received communications from many parties, including persons of high judicial authority, offering objections to this part of the measure, or, at least, insisting upon the necessity of providing some efficient substitute. He was the more disposed to listen to the complaints of his correspondents, because some of the parties suing for divorce belonged to the humbler classes of society, to whom the loss of a wife was a serious pecuniary evil. In the upper ranks it was a question of feeling rather than of personal interest, and it might very well be said, that an injury to the feelings of a party was not a matter for pecuniary compensation. But to a poor man the loss of the services of his wife—the loss of the benefit which he derived from her superintendence of his family, and the arrangement and management of his household, was a serious pecuniary loss, and he could not help thinking that some remedy should be provided for such a case. A proposition had been submitted to their Lordships for defraying the expenses of the husband in suing for a divorce; but he went further and said, that out of the fine the Court should award to the husband some compensation for the loss he had sustained, and he thought that if some such provision were adopted, the objections to this part of the measure would be obviated. He knew that a learned Judge denied that suing for damages was inconsistent with the nature of the injury inflicted upon the feelings of the husband, and he instanced the case of libel where a man's character and honour had been assailed, and where pecuniary compensation was made. He thought, if some such alterations were made, the Bill would go down to the other House with the best possible prospect of success. Far be it from him to hold out anything like a menace as to the course which the other House might think fit to pursue, or the fear of a collision with the other House—that was often talked of, but it was absurd, contradictory to the fact, and there had been no great risk whatever upon any of those occasions; but, at the same time, he would deprecate anything which might, for no good or useful purpose, tend to break the harmony which existed between the two branches of the Legislature. He therefore hoped and trusted that their Lordships would pass the Bill as it now stood, with the exception of the imprisonment of the adulterers. But if the Bill were altered in the direction indicated by the proposed Amendments, he feared the measure would have little chance of passing the other House.

LORD WENSLEYDALE said, there could be no question as to what the law of England was. By the law of England it was, and had been, impossible to pronounce a divorce *à vinculo matrimonii.* Cranmer, at the time of the Reformation, attempted to alter it; but he failed. It could not be done without the special interference of the Legislature on each and every occasion. But as the Legislature had sanctioned divorce for two centuries, the proposal before their Lordships was to substitute for the present Legislative action a regularly constituted judicial body. The question was, should that proposal become the law of the land. He confessed that although entertaining considerable doubts upon the subject at first, yet, after their Lordships had sanctioned the Bill upon two occasions, after it had been sanctioned by a Commission consisting of many learned men, he had come to the conclusion that he should not be justified in supporting the Amendment of the noble Lord.

THE EARL OF CARNARVON said, that the Bill might be objected to, if on no other ground than the variety of metamorphoses which it had undergone. The Bill established a new court, provided protection for women who had been deserted by their husbands, and abolished the action for criminal conversation. These were all very important matters; but to them it was proposed to add the power of granting divorces. Now the proposal of his noble Friend (Lord Redesdale) was not to reject the Bill, but to secure that that matter should undergo further and more satisfactory discussion. It had been said that the subject had been exhausted, but he thought the variety of Amendments showed that the matter was far from a satisfactory settlement.

THE BISHOP OF OXFORD said, there were many of their Lordships who believed that, whatever doubts there might be as to the general power of remarriage after divorce, there was no doubt that the words of our Lord forbade the adulterous woman remarrying in the lifetime of her husband. If they passed the Amendment of the noble Lord opposite they sanctioned all the Amendments of the law contemplated by the Bill short of that which made such marriages possible; but if the Amendment were rejected and the Bill passed in its present shape, they intentionally and knowingly declared that the law of England should contradict the law of Christ. He believed that this question of divorce had not yet made entrance into the public mind. He had that day received a letter saying that the clergy themselves were only beginning to awake to what were the proposed alterations. He therefore thought it highly expedient, while they organized the new court, to allow the question to rest;—not that he would have the law continue always as at present, a system of *privilegia*, but that he would avoid a settlement of what the law should be with respect to divorce *à vinculo* until it had been more thoroughly ventilated in the public mind. Earnestly desiring, as he did, to effect the improvements which the rest of the Bill contemplated, he hoped the Government would not make it necessary for him to move the rejection of the measure on the question that the Bill do pass, by refusing to adopt the Amendment now proposed.

The LORD CHANCELLOR thought it necessary, before putting the question from the woolsack, to remove the erroneous impresssion which would probably be produced by what had just fallen from the right rev. Prelate. The right rev. Prelate said that many Members of their Lordships' House disapproved of that portion of the Bill which enabled the adulterous woman to remarry in the lifetime of her husband, and left it to be inferred that this Amendment would remedy that objection; but the Amendment, in fact, would offer no such remedy, except so far as it would tend to reject the Bill altogether. He must complain of the course which his noble Friend had taken in moving that Amendment. Their Lordships might rely upon it that the forms of their proceedings were founded substantially upon good sense. When it was proposed to read a Bill a third time, any noble Lord would do right to vote for its being read a third time that day six months if he thought that it could never be made, with any Amendments, a proper measure; but if he thought that with Amendments it could be made a proper measure, he ought to allow the Bill to be read a third time, and propose Amendments on the question that the Bill do pass. The course taken by the noble Lord was to propose on the third reading different Amendments which, in substance, were absolutely idle—namely, that the new Court, instead of being called a Court of Marriage and Divorce, should be called a Court of Marriage. If the Amendments stopped there the alteration would be very incongruous, because the object of the Bill was to enable the Court to grant divorces, and therefore it was a Court of Marriage and Divorce. The proposition went further, "and to make such Amendments as shall be consequent thereon." What was meant by consequent thereon? Did it mean as far only as was consequent upon altering the name of the Court, or did it mean to make the Bill totally different from that which their Lordships had considered in Committee? He thought the course taken by the noble Lord very inconvenient. The question really raised by the Amendment was, were they or were they not prepared to sanction a measure to make divorce *à vinculo* a judicial instead of a legislative proceeding? He could hardly conceive that any one would gravely state that the measure took the public by surprise. Seven or eight years ago a Royal Commission issued to inquire into the subject. Four or five years ago the Commission made their report. Four or five Bills had been introduced at various times, and a Select Committee of their Lordships looked into the question last year, with a degree of care and accuracy which had been rarely equalled and never surpassed. To be gravely told that the discussion of the Bill at the last stage took the country by surprise was an attempt to draw very largely upon the credulity of their Lordships. If the question were not now ripe for decision, he wanted to know at what period of the world's history would it ever be ripe? He would only add in answer to his noble Friend (the Earl of Wicklow) that if he believed the Bill calculated to lead to those evils which were figured as making the marriage bond too lax in some of the Northern States of Germany, he would throw it in the fire rather than ask their Lordships to sanction it. He thought it would have no such consequences. For 200 years the principle of the Bill had been in operation, and scarcely a single attempt had been made to gain divorce for any cause but adultery. If the feeling of the country had not been altered for 200 years, he did not believe the change from a legislative to a judicial proceeding would have any effect whatever, and the simple question now was whether the character of the tribunal should be changed. A suggestion had been thrown out that the anticipation of justice being made accessible to the poor would not be realized. Now, that he altogether denied. It was perfectly true that the rich enjoyed advantages which the poor did not possess; but that was a state of things which was incidental to the very existence of men in society, and which no legislation could obviate. The rich, for instance, could always command the services of the ablest lawyers, while the poor man was not in a position to avail himself of their aid.

There was, however, no good reason why, in the tribunal which the Bill proposed to establish, the expense of a suit should involve the outlay of one farthing more than if it had been instituted before a Judge whose jurisdiction did not extend beyond actions for the recovery of the small sum of £5. He might add that the poor man, in cases relating to property, might now sue *in formâ pauperis* in the courts of Westminster, and the Judges of the new tribunal would in framing the rules for the conduct of its business, be enabled to extend the system of suing *in formâ pauperis* as far as might seem to be expedient. There could be no doubt, at all events, that the effect of the Bill would be to enlarge the area of those persons who were entitled to claim the relief which it provided, and he therefore trusted that their Lordships would reject all Amendments which had for their object, either directly or indirectly, to render valueless that which was the substantial feature of the measure.

THE BISHOP OF BANGOR made a few observations, which were inaudible.

On Question, That ("and Divorce") stand part—

Their Lordships *divided*:—Contents 91; Not-Contents 34: Majority 57.

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Kilmaine, L.
Lovat, L.
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THE EARL OF DONOUGHMORE pointed out the difference which existed in the law of Scotland from that of England, and mentioned that in a case where a divorce had been granted in Scotland on the ground of adultery by the husband, and the woman thinking herself released from the first marriage had married again in England, that second marriage had been declared illegal, and she had been convicted of bigamy. It ought, therefore, even as a matter of expediency, to be settled clearly what would be the effect of such a divorce and remarriage under this Act. He also argued that upon the principles of justice there ought to be no difference in the operation of the law in the case of the husband and of the wife. He therefore proposed in the clause giving divorce to the wife for adultery accompanied by incest, or other aggravating circumstances, to omit the word "incestuous."

Lord CAMPBELL said, the principle advocated by the noble Lord was very popular, but he must oppose it. The Commissioners had come to the conclusion that it would not be desirable to allow the same privilege to the wife as to the husband, which would be altering the state of the law, which had been unchanged for centuries, and they had decided that divorce should not be granted to the wife on the ground of adultery, unless with such aggravation as would render it impossible for the parties to live together. It never had been granted, and he, for one, was not bold enough to alter the universal custom, notwithstanding the example of the law of Scotland.

Amendment *negatived.*

The LORD CHANCELLOR rose to move an Amendment in the 31st clause, of which notice had been given by his noble and learned Friend Lord St. Leonards. His noble and learned Friend being unable to be present he had undertaken to move this Amendment for him, concurring as he did entirely in the justness and expediency of it. The proposed Amendment was to be made in the clause providing that the adulterer should be liable to a fine or imprisonment, and the wife to imprisonment. As the clause originally stood, the "fine" applied as well to the wife as to the adulterer. That had, however, been altered, as it was absurd to fine a married woman, who would probably have no property apart from the husband, at whose instance the fine was to be imposed. The clause had therefore been altered so as to leave the wife liable to imprisonment only. It had then occurred to his noble and learned Friend that it would be throwing a great obstacle in the way of the object of the Bill if the wife were to be subjected to imprisoment; for a husband, however ill a wife might have behaved, would hesitate to proceed for a divorce the necessary consequence of which would be the wife's imprisonment. In this view of his noble and learned Friend he concurred, and he therefore moved an Amendment, the object of which was to free the wife from this liability to imprisonment.

Amendment *moved*—

"To omit (pass upon the guilty Parties, or either of them, Sentence of Fine and Imprisonment, or Fine or Imprisonment, as though such Party had been convicted of a Misdemeanour at Common Law, and the Court may further order the guilty Parties or either of them;") and insert ("Impose upon the Adulterer a Fine, and order him").

The Bishop of OXFORD said, that if these words were struck out, the last guard of purity of married life would be removed, as far as the poorer classes were concerned. There would be nothing to prevent a woman who desired a new husband, and whose husband desired a new wife, from going to live with the man whom she preferred. Her husband would then proceed against the paramour, obtain a divorce, and marry again. The woman would marry her paramour, and assume precisely the same position as before her divorce, moving, as before, in the society of her equals, who would consider her as being, to use their own expression, made an honest woman again, and she would suffer no loss of caste whatever. The law would leave no check whatever upon the woman, and the most unbridled licentiousness would prevail among the lower classes.

On Question, that the words proposed to be left out stand part of the Bill?

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Shaftesbury, E.
Wicklow, E.
Winchilsea and Nottingham, E.

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Hutchinson, V. (*E. Donoughmore.*) [*Teller.*]

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Chichester, Bp.
Durham, Bp.
Exeter, Bp.
Llandaff, Bp.
London, Bp.
Oxford, Bp.
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Fortescue, E.
Granville, E.
Harrington, E.

Harrowby, E.
Scarborough, E.
Spencer, E.

Falmouth, V.
Melville, V.
Sydney, V.

Belper, L.
Brodrick, L. (*V. Midleton.*)
Byron, L.
Camoys, L.
Campbell, L.
Churchill, L.
Clandeboye, L. (*L. Dufferin and Claneboye.*)

Dartrey, L. (*L. Cremorne.*)
De Mauley, L.
De Ros, L.
De Tabley, L.
Foley, L. [*Teller.*]
Kilmaine, L.
Lyndhurst, L.
Manners, L.
Minster, L. (*M. Conyngham.*)
Monteagle of Brandon, L.
Panmure, L.
Ponsonby, L. (*E. Bessborough.*) [*Teller.*]
Rayleigh, L.
Rivers, L.
Saye and Sele, L.
Stanley of Alderley, L.
Stuart de Decies, L.
Sundridge, L. (*D. Argyll.*)
Talbot de Malahide, L.
Truro, L.
Wensleydale, L.
Wrottesley, L.
Wycombe, L. (*E. Shelburne.*)

EARL NELSON moved an Amendment upon the 54th clause, which permits the remarriage of divorced persons, providing that in case of the remarriage of divorced persons such marriage should take place in the office of the registrar, or in some building registered under the Marriage and Registration Act, and according to the form and provisions of that Act. The object of this Amendment was to save the consciences of the clergy, of whom many were averse to these marriages, and to provide that, as this matter had been argued on purely civil grounds, so the remarriage, if it took place, should be only a civil marriage. Unless this Amendment were agreed to, a very large portion of the clergy of the Established Church (with the Archbishop at the head) who believed that marriage was indissoluble, and that the marriage of the adulterer and adultress was sinful, would be obliged to perform that marriage and to read the solemn service established for that ceremony by the Church of England. There had been some question, as to whether the law of the Church was opposed to this legislation; but, be that as it might, there occurred in one of the prayers for the marriage service these words, "that it should never be lawful to put asunder those whom Thou by matrimony hast made one," and the marriage service itself referred to the married parties as so knit together, that it should never be lawful to put them asunder. Could any conscientious clergyman who believed that this legislation was contrary to the law of God, celebrate such a marriage; or could he pronounce God's blessing over the parties, and thus confirm them in their adultery? The clergy had entered into a contract with the State, they had signed the Thirty-nine Articles, and yet the State, without consulting the clergy, broke that, imposed a Fortieth Article without obtaining their assent to it, and demanded from them the discharge of a duty which they had not contracted to perform, and which they considered directly repugnant to Scripture. It might be said that, under the present system, clergymen had already married divorced persons; but these would naturally go to be married at places where they were not known, so that the clergyman would have no opportunity of finding out what they were. It was said, too, that in relieving the consciences of the clergy, the consciences of the laity might be endangered; but surely, as this privilege of divorce had been obtained on civil grounds, the parties who had obtained it might remain content with a civil marriage. But, even then, the Marriage and Registration Acts allowed parties who had been married by the registrar to be remarried by a clergyman, and this course was open to persons remarried after divorce if they could find a clergyman ready to perform the religious ceremony over them. Those who put the conscience of the registrar in comparison with the consciences of the clergy clearly did not understand the position in which the clergy were placed by this Bill. The registrar had merely to perform an official duty of registering certain names in a book. He had not to pronounce the Church's blessing over the parties, nor to do anything which gave a religious character to the ceremony. Besides, if he objected to performing these marriages, he was not obliged to be a registrar, all the other professions were open to him; but a clergyman, if he had such objections and acted on them, must starve. It was said that this Amendment would endanger the union between Church and State; but the only union which it would endanger, would be that which would give us a clergy without a conscience. The union between Church and State might be kept up by doing justice to the Church, and by the Church obeying where she was pledged to obey; but by this Bill the State was proposing to do that towards the Church, which would be looked upon as dishonest in transactions between man and man. It was true that not many petitions had been presented on the subject; but he had received many letters from clergymen expressing very strongly their feelings with reference to it. He considered that his Amendment was based upon Christian principles, and it had always appeared to him that in arguing this question the supporters of the Bill had placed themselves between the horns of a dilemma, because they undertook to make a change in the ecclesiastical law, while all the arguments brought forward to support that alteration were of a civil nature. When making an alteration in the ecclesiastical law, they ought, at all events, to see whether it was borne out by Scripture. He contended that if they did away with an ecclesiastical statute on purely civil grounds, by which marriages not hitherto legal were made so, they were bound to relieve clergymen from the performance of such marriages.

Amendment moved,

> "To insert after the words ('to marry again,') the following words ('in the office of the registrar, or in any building registered under the Marriage and Registration Acts, according to the manner and form, and subject to the provisions contained in the said Acts.')"

THE EARL OF WINCHILSEA said, that there could be no doubt whatever that the great majority of the clergy entertained the most conscientious scruples to the marriage of an adulterer or adultress, during the lifetime of her husband, as being in direct opposition to the expressed Word of God; and it was on that ground that he rested his opposition to this measure. They were attempting to introduce an alteration which was in direct opposition to the religious feeling, not only of the clergy, but of the mass of their fellow-countrymen. He objected also to the proposed tribunal, which would be accessible only to the rich; for it was not to be expected that the poor people would be able to afford the expense of bringing up their witnesses to the metropolis from Cumberland or Cornwall. If there were no other objections to the Bill, instead of being so many, he thought the objections to the machinery ought in themselves to ensure its rejection. He denied entirely that it would give the redress which was the only excuse of its enactment. To be applicable to all, rich as well as poor, it should, at least, be equal in its operation, which would not be the case for the reason he had pointed out. But, above all, he objected to this Bill, because he thought the Legislature was not justified in wounding the consciences of the clergy by compelling them to celebrate such marriages, and to administer to them the most sacred rites of the Church; and he, for one, would never give his assent to it.

THE LORD CHANCELLOR complained that this question should be again argued at this stage of the measure, when the House had already twice declared an opinion adverse to the Amendment, once in the Committee by a very full House, and again on the recommittal of the Bill, in the self-same words, on the Motion of the noble Earl. It was now mooted for the third time. Undoubtedly his noble Friend had a right to call upon their Lordships to reconsider the matter; but he (the Lord Chancellor) thought that unless they were satisfied that some strange oversight had been committed, or that they had not properly understood the question before them, they ought not on slight grounds to disturb the decision to which their Lordships had arrived, after mature consideration. It appeared to him that the plea that the consciences of the clergy would be interfered with could not stand for a moment, for the simple reason that if a tender conscience was to justify a man in his disobedience of the law, there was no knowing where it was to stop. It was only two or three years ago since the case of the tender conscience of a clergyman who refused to bury certain persons was brought before the House, and it was then after debate by their Lordships expressly decided that no man could set his opinion up above the law, and therefore act in disobedience to the law—that clergymen were bound by the law of the land, and must obey it. For his part, he saw no difference in principle between the two cases. If the law of the land declared it to be lawful that certain parties might marry, it was a law that must be obeyed. If persons were separated by a divorce, and the law gave them the power to marry again, what reason was there why they should not be allowed to marry in the same manner as the rest of Her Majesty's subjects. An attempt had been made to meet the difficulty by proposing that the marriage should take place only at the registrar's office in such cases; but many persons might feel a repugnance to that. An objection also was that the Registration of Marriages Act gave the power to persons who had been married at the registrar's office to demand to be subsequently married in a church if they were so disposed; and therefore the conscientious objection of the clergy would not be set at rest. He did not, however, altogether coincide in such a view of the case, because it was extremely doubtful whether, if a marriage took place under the present Act, the fact of its being in a registrar's office would entitle the parties to take advantage of the Registration Act, and demand to be married again in a church; indeed, if it were declared that divorced parties should be allowed to marry at the registrar's office, the implication would be that they should be married there only. But on the short grounds that the law of the land must be paramount over religious scruples, and taking into consideration that by the law persons divorced under this Act would be in the position of unmarried persons, and were therefore entitled to be married in the same manner as Her Majesty's other subjects, he called upon their Lordships to reject the Amendment.

The **Bishop of OXFORD** said, the Amendment had been drawn with a view to meet the objection of the noble and learned Lord. The words were "in the office of any registrar, or in any building registered under the Marriage and Registration Acts, according to the manner and form, and subject to the provisions contained in the said Acts." No new power of marrying by a registrar was created, but the power was to be subject to the provisions contained in that Act, one of which was that the religious ceremony might be afterwards performed if the parties chose, and could find a clergyman to officiate. The noble and learned Lord had compared the scruples of the clergy to marry divorced persons with those which were entertained by some respecting the reading of the burial service in particular cases, but in truth there was a vast difference. Every clergyman who held an office in the Church accepted such office with the knowledge that he was to act in accordance with the law of the realm; but the hardship which he complained of in the present instance was that, after clergymen had taken upon themselves an office which they could not vacate, the Legislature was about to alter the law of the land, and to compel them to act in a manner which they considered to be contrary to the laws of God. He did not wish to prolong a needless discussion, for he gathered from what had passed, that a majority against the Amendment had been secured; but he desired to impress upon their Lordships the deep interest with which the question was viewed by many of the most estimable clergymen of the Church of England. He had on a previous evening read a letter from an archdeacon in the diocese of Gloucester, a most respected and aged clergyman, and holding what were known as Evangelical opinions, in which he declared that the Bill, if passed, imposing the necessity of administering the sacred rite of marriage to a person who had been divorced for adultery, would be a cruel and oppressive act towards the Church of England. It had been urged against the Amendment that there was no precedent for it. But that was a mistake, for in the Marriage Act of last year a similar clause had been introduced; and in 1850, when a highly respected Friend of his (Mr. S. Wortley) introduced a Bill to legalize the marriage of a widower with a deceased wife's sister, he expressly declared that he did not seek to force the clergy to perform those marriages, but to leave it to the clergy to celebrate those marriages or not, according to their own consciences, without any respect to civil consequences, the law of the Church being left as before. He contended, therefore, there were precedents for such a clause as was now proposed, and he besought their Lordships to follow those precedents, and for the sake of the Church of England not to tamper with the conscience of those men who were placed in the position of its teachers. It was true that the Government had a majority, but even were the clause rejected, the question would still remain unsettled. Dissatisfaction would be spread throughout the Church at an alteration in the conditions upon which conscientious clergymen held their offices, and which put them to the alternative of yielding their benefices, or of acting, as they believed, contrary to the word of God. Surely the conscientious scruples of clergymen of the Church of England were not to be less regarded than the conscientious scruples of any other class of Her Majesty's subjects. They had undertaken to obey the law of the land, which was in accordance with the word of God. It was now proposed to change that law in a manner they conceived to be contrary to God's word, and yet they were called upon to sacrifice their consciences or give up their offices. He hoped their Lordships would pause before they inflicted so great a wrong upon the clergy of England.

Lord CAMPBELL wished to point out that the right reverend Prelate was mistaken in supposing that this Amendment had reference solely to the adultress. It was levelled against the innocent husband, who might have been a pattern of fidelity. If the husband had had the misfortune to be united to an unfaithful wife, having cherished her, and done all that was required of him by the vow which he took at the altar of God, and if his marriage with her had been dissolved, by this Amendment he would be stigmatized, inasmuch as, in the event of his remarrying, he could only be married before the registrar, a form of marriage which might be utterly opposed to his conscience. Noble Lords who said so much about the consciences of the clergy should show some respect for the conscience of the innocent and exemplary husband, who might consider marriage before the registrar profane and degrading.

Lord REDESDALE said, he thought that the hardship was more imaginary than real, although he should certainly not consider himself married unless the ceremony was a religious one, and if he were married before a registrar would have the ceremony afterwards performed by a clergyman. But what position were the clergy to be placed in? They were to be called on to declare that God had joined together persons whom they believed to be not so joined, and while all the time they were convinced that the marriage was nothing but a hollow mockery. He complained that the Government had made the Bill a party measure, and therefore had ready all that machinery which was brought into requisition when it was necessary, in their opinion, to pass a measure the responsibility of which they had undertaken. But on the other side it was not treated as a party question, and he earnestly trusted that in the divisions which took place their Lordships would be guided only by their conscientious convictions on the subject.

The Bishop of EXETER observed, that, on the whole, considering the special difficulties in which this subject was involved, he thought the plan proposed by the Government was the best. He agreed with the noble and learned Lord Chief Justice that it would be a cruel indignity to the injured husband to compel him to be married before a registrar; he could not consent to confound the innocent with the guilty, and must, therefore, oppose the Amendment. He reminded the noble and learned Lord on the woolsack that the case which he had referred to, and which occurred in the diocese of Chichester, was a case in which a petition was presented against a clergyman, and not a case in which a clergyman petitioned to save his conscience. He had refused to bury two persons, one of whom he considered to be excommunicated, and another who had committed suicide, and against whom the coroner's jury had returned a verdict of *felo de se.* It was a petition presented against the clergyman which raised the debate in their Lordships' House, and which terminated as had been stated.

Viscount DUNGANNON said, he could not consent to confound the innocent with the guilty, and was, therefore, constrained to vote against the Amendment.

On Question, Whether the said words shall be there inserted? their Lordships *divided:*—Contents 19; Not-Contents 47: Majority 28.

CONTENTS.

Canterbury, Archbp.

Leeds, D.

Bath, M. [*Teller.*]

Amherst, E.
Desart, E.
Nelson, E. [*Teller.*]
Romney, E.
Wicklow, E.
Winchilsea and Nottingham, E.

Chichester, Bp.
Durham, Bp.
Llandaff, Bp.
Oxford, Bp.
Rochester, Bp.
Salisbury, Bp.
St. Asaph, Bp.
Winchester, Bp.

Rayleigh, L.
Redesdale, L.

NOT-CONTENTS.

Cranworth, L. (*L. Chancellor.*)

Wellington, D.

Lansdowne, M.
Townshend, M.

Chesterfield, E.
Chichester, E.
Clarendon, E.
Fortescue, E.
Granville, E.
Harrington, E.
Harrowby, E.
Scarborough, E.
Shaftesbury, E.
Spencer, E.

Dungannon, V.
Falmouth, V.
Melville, V.

Bangor, Bp.
Exeter, Bp.

Belper, L.
Brodrick, L. (*V. Midleton.*)
Byron, L.
Camoys, L. [*Teller.*]
Campbell, L.
Churchill, L.
Clandeboye, L. (*L. Dufferin and Claneboye.*)
Congleton, L.
Dartrey, L. (*L. Cremorne.*)
De Mauley, L.
Denman, L.
De Ros, L.
Foley, L. [*Teller.*]
Kilmaine, L.
Lyndhurst, L.
Monteagle of Brandon, L.
Panmure, L.
Rivers, L.
Rossie, L. (*L. Kinnaird.*)
Saye and Sele, L.
Sheffield, L. (*E. Sheffield.*)
Stanley of Alderley, L.
Stuart de Decies, L.
Sundridge, L. (*D. Argyll.*)
Talbot de Malahide, L.
Wensleydale, L.
Wrottesley, L.
Wycombe, L. (*E. Shelburne.*)

The Bishop of EXETER said, he should acquiesce in the decision of their Lordships by which the Amendment of the most rev. the Archbishop of Canterbury, to prevent the guilty party marrying again, was rejected, although he regretted it. But he did not think they were called upon to do more than not to exclude guilty parties from matrimony, and he could not consent to their being married with the most solemn ceremony of the Church, which from first to last presumed, not only the sacredness of marriage, but the fitness of the parties who offered themselves. Adultery rendered persons liable to the censure of the Church, and the title of these persons to marriage was simply their adultery. The celebration of such marriages, according to the rites of the Church, would be making the holy offices the merest instruments of State policy. He should, therefore, move, that the following proviso be added to Clause 54:—

> "Provided that, after Sentence of Divorce shall have been duly pronounced in any Suit by reason of Adultery committed by either Party, it shall be lawful for the Party by reason of whose Adultery the said sentence shall have been pronounced, in case of his or her intending to intermarry with the Party with whom such Adultery has been committed, to make and subscribe a Declaration in conjunction with such last-mentioned Party before any One of the Judges of the Court of Marriage and Divorce, or by any Person to be commissioned by the said Court under the Official Seal to receive such Declaration, in the terms of the Schedule hereunto annexed; and upon such Declaration being made as aforesaid, it shall be lawful for the Judge, or the Person so commissioned, to declare the said Parties to be lawfully married; and such Marriage shall be good and lawful to all intents and purposes whatsoever: Provided always that nothing herein contained shall make lawful any Marriage between any Parties who are now disabled by Law from contracting Marriage together by reason of Consanguinity or Affinity.
>
> SCHEDULE.
>
> I, A. B. do take C. D. to be my wedded wife.
>
> I, C. D. do take A. B. to be my wedded husband.

THE LORD CHANCELLOR said, as the Amendment was somewhat similar to that which they had already rejected, he thought that the result of the right rev. Prelate's Amendment, if adopted, would be to create a new marriage tribunal, utterly unknown to the law before—namely, marriage by the Court of Divorce. There were already very strong objections against the marriage before the registrar, but the present proposition was open to far stronger objections. He hoped that their Lordships would not sanction the Amendment of the right rev. Prelate.

LORD CAMPBELL said, the Amendment imposed an obligation on any Judge of the Divorce Court to declare the parties married. He (Lord Campbell) was one of the Judges; now, suppose he was a conscientious person, and had an objection to marriages of this kind—yet he or any one of the Judges might be compelled, under pain of losing his office, to declare such parties lawfully married. This was quite as hard as that any incumbent of the Church of England who had conscientious objections to marrying such parties should be compelled to marry them.

THE BISHOP OF EXETER observed, that, notwithstanding the very extreme supposition of the noble and learned Lord that he had a conscience, he could not understand how the noble and learned Lord could object to carry into execution that which the law of the land had declared to be legal. To adopt the course of having the marriage ceremony under the circumstances of the case, performed in the Church, would be to inflict a grievous wound upon her, and would be contrary to the very essence of the sacred service.

On Question, Whether the said clause shall be there inserted? their Lordships *divided*:—Contents 24; Not Contents 38: Majority 14.

CONTENTS.

Leeds, D.

Bath, M. [*Teller.*]
Westmeath, M.

Amherst, E.
Carnarvon, E.
Desart, E.
Nelson, E. [*Teller.*]
Romney, E.
Winchilsea and Nottingham, E.

Dungannon, V.
Hutchinson, V. (*E. Donoughmore.*)

Melville, V.

Chichester, Bp.
Durham, Bp.
Exeter, Bp.
Llandaff, Bp.
Oxford, Bp.
Rochester, Bp.
Salisbury, Bp.
St. Asaph, Bp.

Congleton, L.
Kilmaine, L.
Rayleigh, L.
Redesdale, L.

NOT-CONTENTS.

Cranworth, L. (*L. Chancellor.*)
Wellington, D.

Lansdowne, M.
Townshend, M.

Chichester, E.
Clarendon, E.
Fortescue, E.
Granville, E.
Harrington, E.
Harrowby, E.
Shaftesbury, E.
Spencer, E.

Falmouth, V.

Bangor, Bp.

Belper, L.

Brodrick, L. (*V. Midleton.*)
Byron, L.
Camoys, L. [*Teller.*]
Campbell, L.
Churchill, L.
Clandeboye, L. (*L. Dufferin and Claneboye.*)
Dartrey, L. (*L. Cremorne.*)
De Ros, L.
Foley, L. [*Teller.*]
Monteagle of Brandon, L.
Panmure, L.
Rivers, L.
Rossie, L. (*L. Kinnaird.*)
Saye and Sele, L.
Sheffield, L. (*E. Sheffield.*)
Stanley of Alderley, L.

Stuart de Decies, L.
Sundridge, L. (*D. Argyll.*)
Talbot de Malahide, L.
Truro, L.
Wensleydale, L.
Wrottesley, L.
Wycombe, L. (*E. Shelburne.*)

Lord WENSLEYDALE moved the omission of Clause 55 relating to actions of *crim. con.*

The Lord CHANCELLOR said, that as the House had decided upon the enactment of this provision he trusted that the noble and learned Lord would be content with proposing his Amendment and entering his protest.

Amendment *withdrawn.*

The Lord CHANCELLOR moved that the last clause of the Bill be struck out in consequence of an intimation received from the Chief Rabbi of the Jews that it would interfere with their marriage settlements.

Motion *agreed to;* Clause struck out.

Moved, That the Bill do pass.

The Bishop of OXFORD said, he did not wish to re-open the whole question, but he rose to offer a last protest to the passing of the measure. He believed it was contrary to the law of God, contrary to the law of the Church of England, and, as he believed, fruitful in future crime and misery to the people of England. He believed that in passing it they were dealing a more fatal blow to family purity than they could by any other act. Entertaining these views he could not suffer the Bill to pass without dividing the House, in order that the names of those who opposed it to its last stage might stand on record to posterity. He wished them to observe that they had been led on to this course of legislation at first by following the example of Scotland, but they had removed all the guards which had prevented the full working of the evil in Scotland. Yet they quoted Scotland, and the noble and learned Lord on the woolsack had quoted her again that night, as an instance that they had nothing to fear from the social effect of the Bill, although every one must see that those guards were necessary to protect the sacredness of married life among the lower classes from the pollution which this Bill would introduce into it. The Bill professed to extend the same relief to the poor as to the rich; but it did no such thing—it was impossible that that object could be attained by a single court sitting in London. The Bill was a law for the rich; it was an immunity for the adulterers and the adultresses in the high places of England. Equality to the poor could only be given by granting the settlement of that nice question to the courts of inferior jurisdiction, but that equal justice to the poor would be purchased at the price of the introduction of unlimited pollution. On every ground of policy and morality he begged their Lordships to refuse their assent to the passing of the measure. The Bill, which provided none of the securities by which it was originally accompanied, was to be launched out first to give an unjust advantage to the wealthy, and afterwards so miserably to increase collusion as to destroy the morals of the people. He knew that as far as that House was concerned, his words might as well be left unuttered. Yet he did once more, in the face of the Church and of the country, implore their Lordships not to pass the Bill into law.

Viscount DUNGANNON said, he would once more reiterate his opposition to the Bill, which he regarded as one of the most mischievous ever submitted to Parliament. His firm conviction was, that it was calculated to undermine all the moral principles of society.

On Question that this Bill do pass? their Lordships *divided*:—Contents 46; Not-Contents 25: Majority 21.

Resolved in the *affirmative*; Bill *passed*, and sent to the Commons.

CONTENTS.

Cranworth, L. (*L. Chancellor.*)

Wellington, D.

Lansdowne, M.
Townshend, M.
Westmeath, M.

Airlie, E.
Burlington, E.
Clarendon, E.
Cowper, E.
Fortescue, E.
Granville, E.
Harrington, E.
Harrowby, E.
Shaftesbury, E.
Spencer, E. (*Lord Steward.*)

Falmouth, V.
Hutchinson, V. (*E. Donoughmore.*)

Bangor, Bp.
London, Bp.
Ripon, Bp.
St. Asaph, Bp.
Worcester, Bp.

Belper, L.
Brodrick, L. (*V. Midleton.*)
Byron, L.
Camoys, L. [*Teller.*]
Campbell, L.
Clandeboye, L. (*L. Dufferin and Claneboye.*)
Congleton, L.
Dartrey, L. (*L. Cremorne.*)
Denman, L.
De Ros, L.
Foley, L. [*Teller.*]
Hunsdon, L. (*V. Falkland.*)
Panmure, L.
Rivers, L.
Rossie, L. (*L. Kinnaird.*)
Saye and Sele, L.
Stanley of Alderley, L.
Stuart de Decies, L.
Sundridge, L. (*D. Argyll.*)
Talbot de Malahide, L.
Truro, L.
Wensleydale, L.
Wrottesley, L.
Wycombe, L. (*E. Shelburne.*)

NOT-CONTENTS.

Leeds, D.

Bath, M. [*Teller.*]

Amherst, E.
Carnarvon, E.
Nelson, E. [*Teller.*]
Romney, E.
Strathmore, E.
Wicklow, E.
Winchilsea and Nottingham, E.

Dungannon, V.
Melville, V.

Chichester, Bp.
Durham, Bp.
Exeter, Bp.
Llandaff, Bp.
Oxford, Bp.
Rochester, Bp.
Salisbury, Bp.

Kilmaine, L.
Petre, L.
Rayleigh, L.
Redesdale, L.
Stafford, L.
Vaux of Harrowden, L.
Wynford, L.

DIVORCE AND MATRIMONIAL CAUSES BILL.

Di Martis, 23° Junii, 1857.

PROTESTS.

Against the Rejection of the Amendment to the 25th Clause.

DISSENTIENT—1. "Because the effect of rejecting this Amendment will be to confine the dissolution of marriage upon the adultery of the husband to the four cases stated in the Bill, which we consider to be not only inexpedient, but, as contrasted with the relief upon the adultery of the wife, partial and unjust.

2. "Because, as the clause is framed, although the husband should be living in the most open and notorious adultery, and should even bring his mistress into the family residence, insulting the wife by her presence, and should endeavour by ill usage to compel her to submit to this disgrace, such a case would not come within its provisions.

3. "Because the adultery of the husband, accompanied with the commission of the greatest crimes, and even the most infamous vices, would not entitle the wife to relief under this clause.

4. "Because the adultery of the husband, although coupled with his condemnation to penal servitude, even for life, and the consequent degradation and misery of the wife, would not, under the provisions of this Bill, enable her to obtain a dissolution of the marriage.

5. "Because many other cases of similar injustice and hardship are excluded from relief under this clause.

6. "Because to allow a divorce for the adultery of the wife, and to refuse it in these and other cases of adultery by the husband, coupled with acts of deep injury inflicted upon the wife, is manifestly unjust.

7. "Because, although the adultery of the wife may lead to the imposing a spurious offspring on the husband, and entitle him to a divorce for a reason which would not apply to the case of adultery by the husband, other circumstances may, and frequently do, occur in connection with the adultery of the husband, giving the wife an equal claim to this remedy.

8. "Because no distinction is made in Scripture between the case of the man and of the woman in the commission of adultery. The sin is the same in both—both are included under the same prohibition.

9. "Because the whole tendency and spirit of the Christian religion is manifestly calculated to raise women to equal rights and equal responsibilities with men. 'It has,' in the words of an eminent writer on general law (Chief Justice Story) 'elevated woman to the rank and dignity of an equal, instead of being an humble companion or a devoted slave of her husband;" and accordingly we find that as Christianity extended itself, and its influence was brought to bear upon social and civil affairs, so the condition of woman was improved, and her rights to protection and redress were acknowledged. With respect to marriage and divorce the rule of the Roman Catholic Church applies to both sexes equally, while all Protestant Legislatures (except our own), in declaring that marriage may be dissolved for the cause of adultery, have accorded to the wife the same rights and remedies as to the husband.

10. "Because by our ecclesiastical law (the only law at present applicable to this subject), the same judgment is pronounced in the case of adultery, whether the crime be committed by the husband or wife. And there appears to us no reason why, in extending the remedy, the principle should be changed.

11. "Because as to the objection that the extension of the law to cases of adultery by the husband will give occasion to a great number of suits for divorce, we think such apprehension is altogether groundless. The proceedings can originate only with the wife, and she has, both as to feeling and interest, so much at stake, so much to relinquish which must be most dear to her, that we think there is little fear of her resorting to this remedy, except in extreme cases, and after all hope of amendment has ceased.

12. "Because by the law of Scotland the adultery of the husband with respect to divorce is placed on the same footing with the adultery of the wife. This law is found to be attended with no inconvenience. The evidence on the subject is above all exception, and we deem it most desirable that laws which so deeply affect the social and moral condition of the people should, in contiguous parts of the same empire, be in accordance with each other.

"HUTCHINSON.
"HARRINGTON.
"LYNDHURST.
"TALBOT DE MALAHIDE.
"BELMORE."

Against the rejection of the Amendment to omit the 55th clause.

DISSENTIENT—1. "Because the abolition of the action for criminal conversation would cause a great anomaly in the law of England, which has hitherto been perfect in one respect at least, as it provides a remedy for an injury to every legal right. If a man has his estate taken from him wrongfully, he may be restored to the possession of it; if a specific chattel he may recover it in specie, by a recent improvement in law rendering that remedy more effective; he may in some cases compel a specific performance of a contract; but in all others the law gives a compensation in money only, for it is impossible in the nature of things to give any other.

2. "Because to deny this the only possible remedy for the grievous injury to a husband by the loss of the right to the society and assistance of his wife in his domestic affairs and the educa-

tion of his children—on the ground that it is irreparable, would be most unjust—and the other reason assigned, that it would be disgraceful in the husband to receive the price for his own and his wife's dishonour, is a misapplication of terms, as it treats the sum recovered by law as if it had been the subject of a bargain with the adulterer.

3. " Because the same inaccurate reasoning would apply to many other injuries of a similar nature incapable of pecuniary estimate, actions for atrocious libels, for infamous slanders, for assaults attended with contumely and insult, and for the seduction of a daughter, all of which are capable of the same opprobrious designation of disgraceful bargains with the wrong-doer.

4. " Because the reason assigned that sometimes the wife may be totally ignorant of the charge made by the husband against the adulterer, and it would be unjust that she should have no opportunity of vindicating herself, is insufficient, because such a case is scarcely possible, and laws are to be made for matters of frequent not rare occurrence, and the remedy, if one should be required, would be not to deprive the husband of all remedy for his violated right, but to provide that he should give notice to the wife, and that she should be at liberty to intervene for her own interest.

5. " Because the husband has almost always interests of a material nature and capable of pecuniary estimate that are injured by the adultery. In the higher classes of life, a wife may have a sum settled to her separate use, the benefit of which the husband would in part enjoy—in the lower, the earnings of the wife in an art or trade may contribute to the maintenance of the husband and his family. In almost all the wife has duties to perform in superintending the household and educating the children, which have analogy to those of a servant, and in the lower classes closely resemble them. All these are properly the subject of pecuniary compensation, and yet the husband is to be deprived of it altogether, and that for the benefit of the adulterer.

6. " Because the maintenance of this action tends to the repression of adultery, the repeal of it to its increase.

" WENSLEYDALE."

As to 55th Clause.

DISSENTIENT.—1. " Because many noble Lords supported the fifty-fifth Clause of the Bill, solely on account of a power of imprisonment (not imperatively but discretionally to be acted on)—being contained in some part of the Bill.

2. " Because a Jury is more likely to obtain the confidence of suitors (who may possibly not even wish for a divorce), than the Judges of the newly constituted court.

3. " Because by an Amendment of the practice of the courts of common law counsel may be heard in support of the fair fame aad interest of wives accused of adultery.

4. " Because the vexatious Suits Act (if passed into a law) will tend more than ever has heretofore been practicable, to prevent frivolous charges from being brought forward.

5. " Because the action for criminal conversation is strictly analogous to the action for loss of services in actions on the case for seduction.

6. " Because in all actions for assault, Her Majesty's subjects can proceed both civilly and criminally in all cases whether of a common or of an aggravated nature, and ought to have equal rights under this Bill.

" DENMAN."

Against the Third Reading.

DISSENTIENT.—" Because the Bill authorizes the intermarriage of the adulterous parties, but does not relieve the clergy from the legal obligation of celebrating matrimony in such cases with the office of the church. Yet that office expressly declares that holy matrimony, instituted by God in the time of man's innocency, signifies the mystical union between Christ and His church, whereas adultery is constantly spoken of in holy Scripture, as symbolizing apostacy from that church and the violation of that blessed union. In contempt of this sacred truth the Bill not only sanctions the marriage of parties whose ability to marry is founded altogether on their being adulterers, but it also compels the clergy to marry them in profanation of the most sacred words of Scripture, and with perversion of the most solemn truths of the Gospel. For, even if the use of the office could be tolerated in the marriage of adulterous parties who are repentant of their adultery, yet no security is given or can be given by any statute that the parties concerned are really penitent; and yet those parties have by their adultery incurred the church sentence of excommunication, which, if duly pronounced, would render them incapable of being married with the rites of the church. If the circumstances of the times prevent the due exercise of the church's discipline, yet the least that might be expected from a Christian Legislature is, that it be careful to protect the State from the guilt of countenancing such fearful profaneness and to respect the conscientious feelings of all faithful churchmen, who cannot but be shocked by such wanton trifling with the gravest spiritual matters; and especially of the clergy, who, if the Bill shall finally pass, will not be able to perform what belongs to their office without violating their sense of duty to God, and cannot refuse to perform it without incurring the heavy penalties of human law. The enactment is the more grievous because there already exists a mode of contracting matrimony between such parties, which not only leaves the rights and sanctions of the church unviolated, but would also relieve the parties themselves, if truly penitent and sensible of their own degradation, from the anguish and misery which they must feel in repeating vows to God which they have already broken, and hearing pronounced over them the curse of God against all who have, as they already have, ' put asunder those whom God has joined together.'

" H. EXETER."

DISSENTIENT :—1. " Because the contract of marriage is the most solemn engagement into which a man can enter, and in which he promises to love, comfort, and honour the woman, and keep her under all circumstances of sickness or of health, and adhere to her as long as they shall both live.

2. " Because the purposes of this engagement, as deduced from Scripture, are of the deepest interest and importance—namely, for the birth of children to be brought up in the love and fear of God, for a remedy against sin, and for mutual

society, help, and comfort, both in prosperity and adversity.

3. "Because by wilful desertion not only is this sacred promise impiously violated, but all the purposes for which this ordinance of God was instituted are wholly frustrated. Even in the most ordinary contract, the breach of it on the one side puts an end to the obligation on the other, and we see no reason why a different rule should be applied to the contract of marriage, and more especially in a case destructive of the entire objects of the union. It appears to us to be contrary to all principle, and most unjust, that the husband should be permitted to set at nought an engagement followed, as it must be, by such consequences, and that the woman should continue to be bound by it.

4. "Because we feel strongly the extreme cruelty of such conduct towards the deserted wife, in the utter disappointment of all her confident expectations of happiness from the promised love, comfort, and society of her husband, and leaving her without hope to the contemplation of a long, dreary, and desolate future.

5. "Because divorce from this cause is justified as Scriptural by the highest ecclesiastical authorities. It is well known that at the Reformation the subject was anxiously and carefully considered by prelates and divines eminent for learning and piety, and that they came to the conclusion that wilful desertion was a scriptural ground for divorce. We find the names of Archbishop Cranmer, of the Bishops of London, Winchester, Ely, Exeter, and others; of Latimer, Parker, &c.; of Peter Martyr, Martin Bucer, Beza, Luther, Melancthon, Calvin, &c., among those who maintained this opinion, and which was adopted by the whole body of Protestants on the continent of Europe. Accordingly, this has been the acknowledged doctrine of all their churches to the present day. We find the same doctrine expressly stated and adopted in the 8th Article on Divorce in the *Reformatio Legum Ecclesiasticarum*, compiled under the authority of Henry VIII. and Edward VI., which body of laws, although it did not receive the confirmation of the Crown, in consequence of the early and unexpected death of King Edward, has always, as the Commissioners on the Law of Divorce, in their Report, justly observe, been considered of great authority. We also find that at a more recent period a right rev. Prelate, eminent for learning and talents (Cozens, Bishop of Durham), in his celebrated argument delivered in this House, in the case of Lord Roos, maintained the same opinion. His words are these:—'The promise of constancy in the marriage ceremony does not extend to tolerating adultery or malicious desertion, which dissolve the marriage.'

6. "Because, by the law of Scotland, wilful desertion, as in all the Protestant churches on the Continent, is considered to be a scriptural ground for divorce, and the law in this respect is regarded by all the first authorities in that country, not only to be free from inconvenience, but as just and highly beneficial. We further deem it to be most desirable, that upon such a subject as marriage and divorce, affecting as it does the whole social system, the same law should, as far as practicable, prevail in both parts of the kingdom, and the more so as continued experience has shown the great inconvenience occasioned by the difference and anomalies of the two systems.

7. "Because, as to the objections to the proposed extension of this measure on the ground of its tendency to demoralize society, this is not only disproved by the example of Scotland, but a careful examination of the state of society in Roman Catholic countries will, we think, lead to the conclusion that the principle of the indissolubility of marriage is far less favourable to morality than the opposite doctrine, accompanied with a cautious exercise of the power of divorce in such extreme cases as those of adultery and malicious desertion.

8. "Because, as to what is urged with reference to the law of our Ecclesiastical Courts, we answer that the object of the present Bill throughout is to amend that law, and to render it more consistent with reason and justice; and, with respect to the Church of England, we will merely repeat what we find stated in the argument of the learned Prelate to which we have already referred —namely, that 'We cannot see why they are to be styled the Church of England who join with the Council of Trent, rather than those who join with all the reformed churches, and plead against the canon of the Church of Rome, which hath laid an anathema upon us if we do not agree with them.

"LYNDHURST.
HUTCHINSON."

DISSENTIENT—1. "Because the Bill contains provisions authorizing in certain cases divorce *à vinculo matrimonii* of Christian marriage, and is thus in direct opposition to what our Lord has declared both in His own words and in the unvarying teaching of His Church.'

2. "Because the harmony and stability of the family relations, upon which the well-being of the State is ultimately based, will be unsettled and impaired by the facilities which are offered for divorce.

"NORFOLK (E. M.)
PETRE,
STAFFORD,
VAUX OF HARROWDEN,
ARUNDELL OF WARDOUR,
LOVAT."

DISSENTIENT—1. "Because, in opposition to the Word of God, which is embodied in the law of our Church, the Bill sanctions the remarriage of a divorced husband or wife during the lifetime of the divorced wife or husband.

2. "Because, in direct contradiction to the plain teaching of our Saviour Christ, the divorced adultress is permitted to remarry during the lifetime of her husband.

3. "Because the Court of Divorce provided by the Bill will, as a general rule, be accessible only to the rich, and thus what is treated in the Bill as the right of every injured husband is by it withheld from the poor, and such legislation will almost inevitably lead to committing the decision of causes involving the sentence of divorce *à vinculo matrimonii* to many and inferior local courts, and so to the risk of the wide spread of collusive adultery.

4. "Because the permission of intermarriage, as granted in the Bill to the parties through whose adultery the divorce has been caused, tends to promote a dissolution of manners throughout that large class of society in which no conventional law severely punishes the divorced woman.

5. "Because the whole tendency of the Bill is to dissolve the sanctions and endanger the purity of God's great institution of family life throughout this land.

6. "Because it will lead to the clergy of the Church of England being required to pronounce the blessing of Almighty God on unions condemned by their Church, and repugnant, as many of them believe, to the direct letter of Holy Writ, and to employ at unions founded on dissolved marriages, from the marriage service of the Church of England, language which is in its plain sense inconsistent with the dissolubilty of marriage.

"S. Oxon,
"For 1st, 2nd, 3rd, and 6th Reasons,
Leeds,
W. K. Sarum,
Nelson,
Redesdale,
Desart,
"For 3rd, 4th, 5th, and 6th Reasons,
Dungannon."

ROMAN CATHOLIC CHARITIES BILL.

SECOND READING.

The **LORD CHANCELLOR** in moving the Second Reading said, the object of the measure was to remedy a doubt which had been raised with respect to an Act passed in the reign of William IV., rendering lawful educational charities for Roman Catholics, as to whether that Act was retrospective or not. Doubt still existing in spite of decisions, it had been thought desirable to introduce the present Bill, so as to put an end to all doubt on the subject. The Bill provided that it shall be lawful for the trustees of Catholic charities to enrol them within a year after the passing of the present Act, and should thereby have the same rights as if they had been registered from the beginning. It enacted also that in the case of what were called "Charities for Superstitious Uses," the Court of Chancery should decide how much was applicable to lawful and how much to unlawful purposes. There was also a clause which provided that where there was a doubt about the charity, the usage of twenty-five years should be conclusive. Such being briefly the object of the Measure, he hoped their Lordships would offer no opposition to its being read a Second Time.

Lord **REDESDALE** would not oppose the Second Reading of the Bill, but he was understood to express a hope that the Bill would not pass without some discussion in Committee.

Bill read 2^{a}, and *committed* to a Committee of the Whole House on *Monday* next.

House adjourned at a quarter to Ten o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, June 23, 1857.

Minutes.] Public Bills.—1° Consolidated Fund (£8,000,000); Railway Traffic Act Amendment; Cruelty to Animals Act Amendment; Evidence upon Oath (House of Commons); Summary Proceedings before Justices of the Peace; Municipal Corporations; Hanley Borough Incorporation; Christchurch (West Hartlepool).
2° Wills, &c. of British Subjects Abroad.
3° Alehouse Licensing.

FINSBURY PARK (No. 2) BILL.

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. **W. WILLIAMS** said, he was very sorry to feel it his duty, in deference to the wishes of a large body of his constituents, to move that this Bill be read a second time that day six months. The inhabitants of Cornwall would derive as much benefit from this park as his constituents residing in Lambeth, and he thought therefore they ought not to be taxed to provide it. A further objection was that the body under whose auspices this measure had been brought forward—the Metropolitan Board of Works—had laid down no scheme for the formation of parks in other parts of the metropolis. The people of Newington and Camberwell, and other populous districts in the borough of Lambeth, desired to have parks in their neighbourhood, but there was no intimation given of any probability of their having them, and they thought it therefore objectionable that they should be called upon to pay for a park for Finsbury. He wished to know whether the Government were going to grant £50,000 out of the public funds towards the formation of this park? The former Bill contained such a provision, and as he found no mention of a similar one in the present Bill, he would like to know whether the Government had withdrawn their promise or not. In Lambeth a park had been made by the contributions of the inhabitants of that locality. He regretted that the Board of Works should have taken up an undertaking of this kind before completing the main drainage of the metropolis.

Sir **JOHN SHELLEY** seconded the Amendment.

Amendment proposed, to leave out the

word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. COX said, that the borough of Finsbury, of which he had the honour to be a Representative, had increased its population 200 per cent in twenty years, and now contained 350,000 persons. Unless the present Bill passed there would never be an open space in the borough for the health and recreation of the inhabitants. In 1851, when it was found the borough was so crowded, application was made to Lord John Russell, then at the head of Her Majesty's Government, who directed plans to be prepared, and notices given for the formation of a park for Finsbury. Before, however, a Bill could be brought in, a change of Ministry occurred. Subsequent attempts were made under the Government of Lord Derby to obtain a park for Finsbury, but again a change of Ministry frustrated the design. When the Metropolitan Board of Works was established it was felt that they were the proper body to deal with the question of new parks for the metropolis, and Parliament gave them, by a special Act, the power to form public parks. The present Bill was the first step towards carrying this Act into effect, but it was not true that there was any intention of confining the measure to one district of the metropolis, for the Metropolitan Board of Works designed to form three parks—one for Finsbury, a second for Bermondsey, and a third at Hampstead Heath. They had not been able to give the requisite notices for taking land in time for the two last mentioned parks, but it was their intention to proceed next Session with a Bill for a park for Bermondsey, and for securing Hampstead Heath for public use. The rate necessary for the present park, if spread over twenty years, would not amount to more than a farthing in the pound per annum. To this the Government had promised to recommend Parliament to add a Vote of £50,000. He believed that the ratepayers of the metropolis would be glad to pay so small a sum, since they would save more than double the amount in doctors' bills. He did not believe the House would have heard any objections to this Bill if the people of Lambeth had not already obtained their Kennington Common enclosure and their park at Battersea.

MR. CLAY said, he would support the Bill. The hon. Member for Lambeth had been urging upon the House the rejection of this measure upon the supposition that, now his district was provided for, all other metropolitan improvements were to be given up. The whole metropolis gained by the construction of parks in any part of it. He should, for his own part, like to see it surrounded by a belt of parks, for when he saw how fast it was walking away to Dovor on one side, and Oxford on the other, he thought that for the sake of the health and comfort of those who were then living, they were bound to look forward to what might be the possible size of the metropolis twenty years hence, and the consequent difficulty to its inhabitants in escaping into the country. The sooner such improvements as this were made the cheaper would be the cost, for the value of land was increasing every year.

SIR JOHN SHELLEY said, he did not oppose this Bill because he objected to a general rate for this park, and he must disclaim any selfish wish to prevent the district of Finsbury possessing "lungs," or to deprive its inhabitants of opportunities of health and recreation. But when the Metropolitan Board was established Parliament said that, if they wished to spend more than a given sum, they should come to Parliament for its sanction, which, he took it, meant that Parliament was to express its opinion upon the measures which involved such an expenditure. Now he did not deny that a park was required for Finsbury; but he contended that the site suggested for this park was not the best that might be chosen. Of the 250 acres of which it was to be composed 230 were beyond the boundaries of the district embraced in the jurisdiction of the Metropolitan Board. This, he thought, was in itself an objection, but it was not the most serious one that might be taken against the proposed situation of the park. He found that, taking Finsbury Square as the centre of one of the most crowded parts of Finsbury, the site of the new park was three miles distant, while Regent's Park was only two miles and a half off; St. James's Park, two miles and a quarter; and the Victoria Park, one mile and three quarters. It was clearly a mistake to fix the new park in a situation actually more remote than those already existing for the crowded parts of the borough. It was proposed, moreover, to include in this park the filtering reservoirs of the New River Company, which contained 1,750,000 gallons, and supplied 94,000 houses on the north side of the town. Now this Bill contained powers to build in the park, which must also be drained. And he thought when they considered how liable filtering reservoirs were to receive injury, it would be better for the ratepayers of the metropolis not to run the risk of having to pay a large compensation to the New River Company for drainage to their reservoirs. He also felt considerable objections to the proposal for bridging over the New River. Knowing the difficulties with which the Metropolitan Board of Works had to contend, he thought it was much to be regretted that their first proposition should be one of so objectionable a nature. Powers such as those now asked for should, under any circumstances, be regarded with jealousy, and he felt bound to resist the present application for them.

Lord ROBERT GROSVENOR would support the Bill. He was very sorry that the metropolis should exhibit the unseemly spectacle of a house divided against itself on the first occasion when the Metropolitan Board of Works came down to propose a scheme for providing parks for the metropolis out of a general rate. Constant complaints were made against the carrying out of metropolitan improvements at the expense of the country, and now when a proposition was made to improve the metropolis by a rate on its inhabitants, the plan was objected to by two of the metropolitan Members. He could not help characterising the opposition to the Bill as an impudent attempt on the part of Lambeth and Westminster, which had already parks created at the public expense, to escape from contributing their fair share towards providing a park for the unfortunate denizens of the district of Finsbury. The test of distance from Finsbury Square proposed with respect to the site of the park by the hon. Baronet was most fallacious, for Finsbury Square was not the centre of the borough or of its most thickly populated districts. The hon. Baronet was only caught by the name. It was true that the site of the park was out of the district embraced in the jurisdiction of the Metropolitan Board. But it was impossible to get a site nearer London, and if they waited a single year longer they would have to go still further off. If Hampstead Heath was enclosed and new parks made for Finsbury and Bermondsey, the total cost would not amount to a rate of more than three farthings in the pound over the whole metropolis. He was surprised, therefore, that any one should propose the rejection of this Bill. But he was sure there would not be half-a-dozen hon. Members found to vote against it.

Mr. SPOONER observed that, without entering into the quarrel of metropolitan Members, he wished to know whether the statement of the hon. Member for Finsbury (Mr. Cox) were correct—namely, that the Government had promised, if this Bill passed, to recommend to Parliament a vote of £50,000 from the national exchequer towards the completion of this park. If the public taxes were devoted to such a purpose, every other large town in the kingdom proposing to provide itself with a park would have an equal claim to a similar contribution.

Mr. T. DUNCOMBE said, that he believed that no positive engagement had been entered into by the Government to give £50,000 towards the construction of this park; but that certainly there was an understanding, that if £250,000 out of the whole estimated cost, which amounts to £300,000, were raised by a general rate, they were prepared to ask the sanction of Parliament for the remaining sum. This plan had been approved by all previous Governments. He believed, that if the Government of Lord John Russell had not gone out of office, they would have formed the park without putting the metropolis to any expense. The Government of Lord Derby were also willing to aid in the construction of a park. And that of the Earl of Aberdeen, in like manner, offered to recommend a vote of public money for this purpose, provided a sum of £250,000 were raised by the metropolis. The question had since been referred to the Metropolitan Board of Works, and the Board had come to a resolution, proposing to make a rate for £250,000 over the whole metropolis. The park had been called a Finsbury Park, but in reality it was a park for the whole of the northern part of the metropolis which was increasing every day. Let them look at the increase in the population in the parish of Islington alone. When he represented the borough of Finsbury in the first reformed Parliament, that parish had 2,000 or 3,000 registered electors, and 30,000 or 40,000 population. It had now 10,000 electors and a population of 130,000 or 140,000. The park which it was proposed to construct under the authority of this Bill would accommodate a population of from 500,000 to 600,000 people; and he thought that nothing could be more unreasonable or ungenerous than the opposition to it raised by the representative of Lambeth, which had had Battersea Park constructed for it at the public expense out of the Consolidated Fund, at a cost of between £200,000 and £300,000. And even this very year a sum of £8,000 had been voted by the House for the completion of the Battersea Park, which the hon. Member had got for himself and the Battersea boys to disport themselves in free of cost. It had been asked, what use would Finsbury Park be to the inhabitants of Lambeth? He might retort by asking what use Battersea Park was to the inhabitants of Finsbury? It was, indeed, sought to form a park at Finsbury, for the very reason, that from the distance it would be of no use to the inhabitants of Lambeth. He believed that the ratepayers of the metropolis generally were in favour of this measure; nor did he think that even the unreformed corporation of the City of London would come forward to oppose a park for the recreation of the people. He did trust that the House would not decline to send to a Select Committee a Bill, whose object was to provide a place of recreation for the inhabitants of the crowded districts of St. Luke's, Clerkenwell, and of the northern parts of the metropolis. If that Committee did not approve of it, on full consideration of its provisions, they could, of course, reject it.

MR. HENLEY said, he would very much rejoice to see a park formed, not only at Finsbury, but in every place where there was a crowded population. But the difficulty they were placed in, arose from the statements of the hon. Members for Finsbury, that the funds of the country were to be called upon to contribute to its cost. They were told this park would only cost the metropolis a rate of a farthing in the pound. And yet, the hon. Members for Finsbury told the House that some inappreciable part of this farthing was to be made up by the taxes of England. Now, upon this point, he thought they ought to have some explanation. The right hon. Baronet the Member for Marylebone had conferred great benefit upon the metropolis by the creation of the Metropolitan Board of Works, for the management of the affairs of this vast metropolis. The right hon. Gentleman took especial care to vest them with ample taxing powers, which he (Mr. Henley) was quite certain would secure their popularity. Well, let them tax themselves. He was sure they would exercise a sound discretion in the matter. He was sure that no one would grudge paying his share of rates for providing so great a source of enjoyment as this park for the inhabitants of the metropolis generally. He could not think there would be any substantial opposition, if they had a satisfactory assurance from the Government on the point to which he had referred. As to the opposition of Lambeth and Westminster, he quite agreed in what had been said, that what was a benefit to one part of the metropolis was a benefit to all. It was all the better for Lambeth and Westminster if they had got parks at the public expense, but then let them not refuse to contribute their fair share to provide parks for others.

SIR GEORGE GREY said, that a deputation from the ratepayers of Finsbury had recently waited upon his right hon. Friend the Chancellor of the Exchequer, with reference to the proposed park; but that in the absence of his right hon. Friend, he (Sir G. Grey) was unable to say, whether any promise had been given by the Government to submit to the House a vote in aid; but if there had been any such arrangement, of which he had heard nothing till this day, of course it was open to any hon. Gentleman, who was so disposed, to vote for the second reading, upon the understanding that no such promise had been given by the Government, and oppose the Bill at the next stage, if he should find that the Government had at all bound themselves in the matter.

SIR DE LACY EVANS said, that as the people of Westminster had been placed in the position of opponents of this Bill, he felt called upon to exonerate himself from that charge. He entirely concurred in the observation of his hon. Friend the Member for Finsbury, that it would be ungenerous in any particular portion of the metropolis to oppose Bills for the improvement of other portions of the metropolis, on the ground that that particular portion might not profit by them. The people of Westminster ought to be the last to oppose such a Bill as this, because Westminster, without one farthing of expense to the ratepayers, and entirely by means of the Imperial exchequer, had obtained the best lungs in the metropolis. No representation had been made to him by any of the ratepayers of Westminster to induce him to oppose the Bill, and, even were the case otherwise, he should feel it his duty to support it. But the hon. Member for Warwickshire had raised a very different question. That hon. Member had talked of the injustice of taxing the country generally for the formation of parks in the metropolis, and had contended that any large country town was quite as much entitled as London to grants of the public money for the formation of a park. But it was ridiculous to put a country town on a par with London, for London was the metropolis of the whole empire, and every part of the empire was interested in the well-being of its capital. The right hon. Gentleman the Member for Oxfordshire, and the hon. Member for Warwickshire had said, that they represented parts of the country which received no benefit from the London parks, and which ought, therefore, not to be taxed on account of those parks. He hoped, then, that those Gentlemen would never present themselves in the metropolitan parks, for, according to their arguments, they really had no right to enjoy fresh air in them. Millions had been already voted this year for different parts of the country; but did any metropolitan Member rise in his place when the votes, for instance, for Dublin hospitals and ports in various parts of the kingdom were proposed, and exclaim against them on the ground that the metropolis would derive no immediate benefit from the expenditure of the money? On the contrary, he, for one, thought the House took the wiser course in not refusing all votes for local purposes, but in granting them to different parts of the country, and relieving London particularly, not from all local charges and expenses, but only to some extent. Nothing could be more just than to extend such relief to her, whether by rates such as were now referred to, or by bearing a portion of the expense of the police, when they considered how very different was the position of the metropolis from other towns, and that there was hardly any person in the kingdom who was not obliged occasionally to repair here, and thus enjoyed the benefit of any improvements which were made, or of any expenditure of the public money which took place.

Mr. WALPOLE said, he thought there ought to be a clear understanding, whether in assenting to the second reading of this Bill, the House would be committed to the arrangement, that a part of the money required for this park should be advanced by the country.

Sir De Lacy Evans

Viscount PALMERSTON said, he regretted that he was not in the House when this discussion began, for he might then have prevented some misconception as to the scope of the Bill. There had been for a considerable time communications between the Government and the parties interested in the creation of this park. They represented (and his right hon. Friend the Chancellor of the Exchequer and himself felt the full force of their representation) the great advantages which would accrue to the inhabitants of a very thickly populated part of the metropolis, not situated close to any outlet, if this park were formed; that it would afford them the same facilities for recreation, and the same benefits as regarded health which were enjoyed by the inhabitants of other portions of London situated near to parks already existing; that it would be almost impossible to raise by local rates the whole amount of money required for the purchase of land and its formation into a park; and they urged, that if the Government could induce Parliament to contribute £50,000 towards the expenses this would render easy, if not certain, the operation to which they attached so much importance. They represented, moreover, that if the arrangement were not at once made, every successive year, by extended buildings upon ground now open, would tend to render the undertaking they had in view more difficult, or even to defeat it altogether. His right hon. Friend and himself ultimately agreed to the proposal, and said, "If you bring in your Bill and it is likely to be carried, we will propose to Parliament—subject, of course, to their decision—to give you this £50,000 in aid." He was not quite sure, whether the arrangement was to form part of the Bill, or whether the proposal was to be made contingent on the passing of the measure. He rather thought it was to form part and parcel of the Bill, but be this as it may, of course the Government could not engage to issue any sum out of the Consolidated Fund without the sanction of Parliament. All they could do was, to recommend to Parliament to agree to a grant upon the grounds he had stated. He thought it exceedingly desirable that this park should be made. He quite agreed with his hon. and gallant Friend (Sir De Lacy Evans) that it was preposterous for hon. Gentlemen to object to grants of this kind, simply on the ground that the advantage derived was but local. If that principle were to be adopted as a guide for the conduct of Parliament, no general or public improvements would be made, and they would be reduced, as he stated on a former occasion, to a parochial subdivision; nothing would be done in any part of the United Kingdom, unless it could be accomplished by a rate upon the inhabitants of the parish in which the improvement happened to be proposed. He quite agreed with his hon. and gallant Friend that Parliament ought to take a larger and more liberal view of these things, and that the whole country was interested in these metropolitan improvements. London belonged to the empire at large, and it was quite a perversion of terms to suppose that great improvements in the metropolis only concerned the persons who happened to live upon the spot.

MR. NEWDEGATE observed that he could not bring himself to believe that this great metropolis was so poor as not to be able to find means for effecting its own improvements. All that had been said of the grants already given in aid of metropolitan improvements was an argument to show that the people of the country should not give any more money for such objects, as in them might be detected the growth of a system which was gradually tending to the exemption of the metropolis from all liability in this respect. The hon. and gallant Member for Westminster had referred to the fact, that the county Members and Members for provincial boroughs spent several months of each year in the metropolis, and that as they therefore had a share in the enjoyments with its inhabitants, they should not object to an imperial contribution towards those improvements. Now, had it not struck the hon. and gallant Member that the county and borough Members who resided in the metropolis for the purpose of attending those Parliamentary duties paid for any enjoyments which the metropolis afforded them by the contribution which they, by their residence, made to the general wealth of the capital? In his (Mr. Newdegate's) opinion, that was quite a sufficient contribution for the enjoyments they received. He objected to this apparent tendency towards the adoption of the imperial system in France, involving, as it did, the neglect of the principle of old—always recognized in this country—that local wants should be supplied by rates levied upon the people more immediately benefited. Such a system was not English. The parochial system was the one under which England had thriven, and if a division were taken on the second reading of the Bill now before the House, he should feel it to be his duty to vote against it.

MR. BARROW remarked, he really thought that the present was an attempt to obtain money under false pretences. If it was proposed that money should be paid out of the public funds, such proposition should come before Parliament in a public and not in a private Bill. He should oppose the second reading of the Bill, for, if they passed, it would be used as a precedent next Session. They would be told that, with full notice of the object of the Bill, they had voted for it, and thereby established the principle to which the House seemed so much opposed.

THE MARQUESS OF BLANDFORD said, he thought the House ought to be informed whether, in the event of any other application being made for the establishment of parks, the Government would propose a similar arrangement? It appeared to him that, if they voted this £50,000 for the Finsbury Park, they could not refuse to do the same to either of the two other metropolitan parks which it was proposed to form; and as those proposed parks were intended to be of more extensive character than that, the subject of the present Bill, the grants towards them should be proportionately larger. Another objection which he had to the proposal now before the House was, that it was an appeal *ad misericordiam.* The principles on which that House should proceed in a matter of rating were those of justice and equity; and he could not think this Bill founded on either justice or equity. It certainly was not just nor fair to make the people of the United Kingdom pay for improvements in Finsbury. A good deal had been said about the difficulty of raising, by rates, the entire sum necessary for the park; and the House was reminded that £50,000 was a small sum when coming from the Imperial Exchequer, but not one word had been said about the increased value which this park would give property in its vicinity. In plain terms, the proposal was one to tax the inhabitants of distant localities for that which would increase the value of private property in Finsbury. He could not congratulate the Metropolitan Board of Works on this achievement; and, anxious as he was to see the people of towns provided with parks, he should vote against the second reading of this Bill.

Mr. DILLWYN observed, he should like to know on what system they were to vote this £50,000. Were they in future to vote grants to every town or district in the country that wished to establish a park; or was it only to those localities which could bring pressure on the Government that they were to give these favours? If so, he very much feared that the people of poor towns would stand a bad chance in their candidature for a share of grants for parks. He thought that Finsbury did not come within the metropolis proper; it was not a district of the metropolis that people coming from the country enjoyed much advantage from.

Mr. AYRTON said, he thought the question whether Finsbury should or should not have a park had been remitted by common consent to the Metropolitan Board, but, that being the case, he certainly thought the Metropolitan Board ought to pay for it. He wished the House to understand the question now under its consideration. If it had been simply a question of whether Finsbury should have a park or not, he should not refuse to support the Bill. The point on which they were going to divide was the great question of, whether the Government, holding the public funds at their disposal, were to be at liberty to say to every deputation that waited upon them, "We'll give you £15,000, or £20,000," and so on. Against all such proceedings he should always be prepared to give his vote, and he thought that it was the duty of the metropolis to set an example against going to the central Government for aid for local purposes.

Sir CHARLES WOOD said, he thought that the issue proposed by the hon. and learned Gentleman who had just spoken was not that which fairly arose upon the question that this Bill be read a second time. Any opposition with respect to a grant of money in aid of this park would properly arise upon a clause in the Bill, and not on the second reading; and, as an apprehension appeared to exist that the Government were under some engagement to advance money to other parks, he begged to state that no such engagement or understanding had been come to with respect to any other park whatever. It should not be forgotten that the constituents of the hon. and learned Member for the Tower Hamlets had had a park provided for them at the public expense.

Mr. J. L. RICARDO observed, that he looked upon this proposition as the first step towards a grant of £50,000 for the construction of a park in Finsbury; and as his constituents were anxious to make a park for themselves, and were subscribing money for the purpose, he feared that he should not be able to persuade them that there was any justice in calling upon them to give money for a park in Finsbury, when the Finsbury people subscribed nothing for making a park in the Staffordshire potteries. Seeing the immense sums of money that were being expended in museums and galleries in the metropolis, he should on every occassion set his face against grants of public money for the local purposes of the metropolis.

Sir BENJAMIN HALL said, he believed that there would be no opposition to the passing of this Bill, but for an implied understanding that an advance of £50,000 was to be proposed by the Government. As he felt that it would be extremely unadvisable to stop a Bill of this kind, which was the first production—if he might use the expression—of the Metropolitan Board of Works, he should like to test the opinion of the House on the question of whether a Vote of £50,000 ought to be submitted to the House or not. He would suggest, therefore, that some hon. Gentleman, who was opposed to the grant of £50,000 should move that the debate should be adjourned till that day fortnight, and that the decision come to should be taken as a test of the opinion of the House with respect to the grant. He proposed this course, because it would be very hard to throw out the Bill on the ground of an objection to the grant, and nothing else. If the House then should decide against the grant, it would be for the Metropolitan Board of Works to decide whether, under those circumstances, they would proceed with the Bill.

Mr. SLANEY said, he would support the Bill, on the ground that the proposed park was one which had been recommended by a Board of Commissioners, to be formed in the metropolis for the recreation of the working classes of the metropolis.

Mr. MILES said, that there could be no objection to the formation of this park by means of local taxation, but he had very great doubts as to the propriety of that House voting £50,000 out of the public funds for a park at Finsbury. However, he agreed with the right hon. Gentleman (Sir B. Hall) that it would not be well for the House to altogether set themselves against this first and ricketty production of the Metropolitan Board of Works, and he should therefore move, as an Amendment, that the debate be now adjourned.

MR. JOSEPH LOCKE observed, that he had a strong objection to voting public money for local purposes; but he should not like, on that account, to stop the progress of this private Bill. He had no objection, therefore, to the postponement of the Bill for a fortnight, in order that the House might save itself from the bad principle of voting public money for local objects.

MR. HENLEY said, it would be understood, then, that the principle on which the debate was adjourned was, that those who voted for the adjournment were against paying £50,000 of public money in aid of this park, but that they did not want to throw over the Bill if the persons interested in it would construct the park for themselves, without Government assistance.

MR. T. DUNCOMBE, who was nearly inaudible, said, they ought to read the Bill a second time, and discuss the clauses in Committee, otherwise there was no hope of getting the Bill up to the House of Lords in time to be within the Standing Orders.

MR. SPOONER said, that he hoped that, in the Vote about to be given, the hon. Members who, like himself, were opposed to this grant, would be distinctly understood to express their opinion that the public money ought not to be voted for such purposes, as that contemplated by the Bill. They were about to give the Government an opportunity of bringing the measure again before the House, and, at the same time, to give them an opportunity of knowing that they would emphatically resist any such proposition as that now under discussion.

SIR BENJAMIN HALL said, that that was distinctly the understanding.

SIR JOHN SHELLEY wished to say that he had been misunderstood. He had not spoken against metropolitan parks in general, but merely against the site selected for the Finsbury Park.

MR. COX said he wished to point out that the present proposition was simply to make a park at the cost of the metropolis. It would be for the House to deal as it chose with the proposition to vote public money in aid whenever that proposition should be submitted to the House.

MR. GRIFFITH, taking out his watch, said, that if the House would indulge him for five minutes he should not detain them beyond that time. He merely wished to say that in voting for the second reading he did not consider he was pledging himself to the grant of £50,000. He certainly thought the House should read the Bill a second time, and he would vote accordingly.

Motion made and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 214; Noes 123: Majority 91.

Debate *adjourned* till *Thursday*.

ARMY OFFICERS ON HALF-PAY.

QUESTION.

GENERAL WINDHAM, said he would beg to ask the under Secretary for War if it be the intention of the Government upon reinstating officers in their former regiments, who have been compelled to go on half-pay, to put them back into that position they would have held in the regiment had they never been placed on half-pay? Should the officers who have been compelled to go on half-pay, for the convenience of the country, be put into regiments in which they had not previously served, does the Government intend letting them take regimental rank according to the date of their commissions previous to being placed on half-pay?

SIR JOHN RAMSDEN: Sir, with regard to the officers to whom the hon. and gallant general has referred the Government do not purpose to allow them, when restored to full-pay, to take regimental rank according to the date of the commissions which they held previous to their being placed on half-pay. I may, however, state that the Government are making every exertion to remedy the hardship which must necessarily result from any large reduction of the army, such as that which has recently taken place, by bringing these officers back into active service whenever opportunity offers.

DISBANDING OF NATIVE INDIAN TROOPS.

QUESTION.

MR. BRYDGES WILLYAMS said, he wished to ask the President of the Board of Control whether it is the intention of the Government to disband any of the Native troops in India, and if so, what number?

Mr. VERNON SMITH said, the 19th Regiment of Native Infantry had been disbanded in India in consequence of mutiny, but there was no intention of disbanding any others, unless—which he trusted and believed would not be the case—a similar insubordination should be manifested.

DISTRIBUTION OF THE VICTORIA CROSS.

QUESTION.

General CODRINGTON would ask the Under Secretary for War whether the Regiments and Battalions ordered for the parade in Hyde Park on the 26th instant will be those which served in the Crimea; and, if not, what objection there is to battalions in the neighbourhood of London, or detachments from them, being brought up for that purpose?

Sir JOHN RAMSDEN: Sir, in answer to the hon. and gallant General's question, I beg to state that the great majority of the battalions and regiments which are to be on the parade in Hyde Park on Friday next are those which have served in the Crimea. There will be present a park of the Royal Artillery, a troop of Horse Artillery, two field batteries, two regiments of cavalry — namely, the 6th Dragoons and the 11th Hussars — three battalions of the Guards who were in the Crimea, and two regiments of the line—namely, the 79th, and the Rifle Brigade who had also been in the Crimea.

FISCAL AFFAIRS (IRELAND BILL).

LEAVE.

Sir DENHAM NORREYS said, that he was about to ask leave to bring in a Bill for the better management of the fiscal affairs of counties in Ireland, though he must at the same time admit that he had little hope of being able to remove the prejudices of the Secretary of Ireland in favour of the present fiscal system. The object he had in view was to carry out in Ireland the recommendation which had been so strongly urged by a Royal Commission appointed a few years ago to inquire into the management of county rates in England; namely, the formation of Central County Financial Boards. Now, if for some years back there had been considerable agitation in this part of the kingdom in favour of the establishment of such Boards, and if, with the present system of managing the county rates in England, there had arisen a demand for reform, how much greater was the necessity for such reform in Ireland, where the system was so inferior to that in England. Instead of the management of the county rates being vested in the magistrates, men of position and character, and whose office was continuous, under the system which prevailed in Ireland, taxes amounting to nearly a £1,000,000 a year, were imposed by a few gentlemen selected as a grand jury at the caprice of the high sheriff? Now it might be supposed that the gentlemen who served on a grand jury were popular in the county; but that was far from the fact, that the most popular men were those who were least likely to be placed upon it. The body, too, was an ephemeral body. Its existence numbered only a few days. No responsibility whatever attached to its proceedings, for its members might never be required to serve in that capacity again. One of the most extraordinary of their functions was, that they appointed another Board, called the Board of Associated Ratepayers, which had to act to a certain degree in controlling the grand juries themselves. The grand jury were selected by the high sheriff, and the associated ratepayers were selected by the grand jury. In this way the grand jury selected from 100 of the highest ratepayers in every barony a certain number of persons to be the representatives of that barony. Of the number so nominated, one half are selected by ballot, who, together with the magistrates, are called the associated ratepayers. There was, therefore, no responsibility on the part of the grand jury, except to the high sheriff; and no responsibility on the part of the associated ratepayers except to the grand jury. In fact, to use the words of the Commissioners, these associated ratepayers were the nominees of the body which they were called upon to control; for there is nothing to prevent the grand jury from nominating those only who were of the same opinion with themselves on any one question whatever. With such a body in control, and such a body to make presentments, it was in the power and management of the high sheriff to accomplish any job which he wished to accomplish. Indeed, in his younger days it used to be a matter of courtesy on the part of the grand jury to pass any job that the high sheriff wanted. The whole system was one of clanship and partiality. He held in his hand a book written by a county surveyor containing many condemnations of the system, and such descriptions of its operation, that, as an Irishman, he was ashamed to read them. He did not hesitate to say that the grand jury system had done more to demoralize Ireland than any other institution could have effected. It was to put an end to such a system, under which £1,000,000 of money was expended, that he asked for leave to bring in a Bill on the subject. The House of Commons, the Municipal Corporation, and the Colonial Legislatures, had been reformed, and they had even made a feint at reforming the Corporation of London. What then was there so sacred about the grand jury system in Ireland that they dared not attempt to improve it? Now, there was an organization in existence in Ireland which managed an expenditure similar in amount to that at present regulated by the grand juries, and which was found to work harmoniously. He alluded to the poor law system and to the boards of guardians; and he saw no reason why an analogous system to that should not be adopted on this subject. This would be a very simple arrangement, and one with which the people were well acquainted; and under it every man would vote for his road warden in the same way as he now did for his guardian. In the boards thus formed every part of the county would be represented by its warden; and instead of being ephemeral bodies like the grand juries they ought to be continued in office for a period of three or four years, in order to give them a feeling of responsibility. When men were elected by their fellow citizens to manage their roads and bridges, and would feel that a serious public responsibility rested upon them, and there would be some security that they would act fairly. An additional guarantee for their impartiality and efficiency would be afforded by the association of the gentry and the educated classes of their district, the magistrates being *ex officio* members of the board. If *ex officio* guardians frequently neglected their duties, at least this class of guardians were as inefficient in England as in Ireland, as was proved by the Return of the Preston union; but he believed that if a system of the kind he proposed was established there would always be a sufficient attendance on the part of magistrates and gentlemen interested in keeping down the expense of the roads of the country. A system, exactly similar, was now in existence in Belgium, and worked admirably; and since the year 1848 a like system had been in operation in Canada—in the last named country every township containing 100 or more freeholders was constituted a body corporate, and endowed with very full powers. His proposal, therefore, was nothing new. He believed that as the proposed councils would represent the property, the intelligence, and the honesty of the country, much larger functions than those connected merely with roads and public buildings might safely be entrusted to them. He was in favour of confiding to them, under certain restrictions, some of the powers now exercised by Committees of that House, which were often necessarily ignorant of the wants and feelings of the particular localities on the interests of which they had to adjudicate. This, however, formed no essential part of his Bill, into which it would be open to hon. Members to introduce such Amendments as they deemed expedient. All he asked the House to do that night was to pass a vote of censure upon the present grand jury system, and to affirm the principle that representation should be combined with taxation.

Motion made, and Question proposed, "That leave be given to bring in a Bill to provide for the Management of the Fiscal Affairs of Counties in Ireland by Electoral Boards."

COLONEL FRENCH said, he was prepared, notwithstanding the hard words which the hon. Member for Mallow had spoken against the grand jury system, to meet him face to face in its defence. The Irish Members had frequently permitted the hon. Member's Bill to be printed, but never till now was there an opportunity for debating it. There was no chance of the hon. Member obtaining a second reading for his Bill, and he (Colonel French) would therefore meet the present Motion with a direct negative. It was very generally admitted that, in some minor respects, Ireland possessed advantages over this country. One of the greatest of these advantages was its excellent fiscal system for county purposes. That system, which began about a century ago, and was improved some years since, was simple and economical. It had given satisfaction to the country gentry, the large landowners, and the small occupiers; but the hon. Member proposed to destroy it, and substitute a cumbrous and expensive system, of which it was evident that he himself (Sir D. Norreys) had not a clear idea, and of whose expensiveness he defied him to make even an approximate calculation. The hon. Baronet had referred to the management of the highways, but he (Colonel French) thought that no better evidence could be afforded of the efficiency of the system than existed in connection with this point. The present system had enabled Ireland to construct and keep in repair her roads better and more cheaply than any other country in Europe—whether France, in which country the roads were first made by the State, or Belgium where they were made by communes, or this country, in which they were made by private subscriptions. Under it Ireland kept in excellent repair 43,000 miles of road, in respect of which not one shilling was due, while in this country, under a different system, 26,000 miles of road were in a bankrupt condition for the sum of £9,000,000. The amount annually raised in Ireland for the construction and maintenance of highways was only £367,000; and, while the preliminary expenses attendant upon the making of a road in this country were £600 or £700, in Ireland they were only about 50*s*. The hon. Member for Mallow had said that the Irish grand jury system was nothing but a vast "job," but he (Colonel French) denied that any jobbing did exist, or could exist under that system. Of the whole sum annually levied with the consent of the grand jury—namely, about £900,000, only a small portion of it (between £300,000 and £400,000) was under their control. All the private, as well as the main roads, were kept in good repair under the existing system, and instead of there being that extravagant expenditure of which the hon. Member spoke, it was really surprizing that so much work was done with so small a sum. The grand jury could not originate anything. They had no independent power of levying any money. They could merely exercise the power of vetoing the propositions of the associated ratepayers. Ample opportunity was given of appealing against those propositions. If the appealing party were not satisfied with the decision of the judge appealed to, the matter might, by means of a traverse, be submitted to the opinion of a jury of the district proposed to be benefited. The levying of the road rates was, in fact, in the hands of those who were most interested in the roads being kept in an excellent state of repair, and in an economical expenditure of the rates; he alluded to the chief farmers of the country, whose object was to have their produce despatched to market quickly and economically. The construction of works was submitted by advertisement to competition, and the lowest tender had to be accepted. Presentments were made in open court, in the presence of the residents of the barony, of the county surveyor, and of an officer appointed by the Executive Government. Under such circumstances jobbing was impossible; in fact there was no room for it. No system was so perfect but he admitted that it was open to improvement; and he (Colonel French) had no objection to reform, but this Bill did not reform; it only substituted a cumbrous and expensive, for an easy and inexpensive system: and while, in appearance, it admitted the representative principle, by its provisions for divisional councils and other arrangements of the same character, in reality it was one of the most autocratic measures ever propounded in that House, for it would hand over altogether the power of the grand juries to the Lord Lieutenant of Ireland. The cost of working the measure of his (Colonel French's) hon. Friend would be £140,000 a year, in addition to heavy law charges and expenses for 288 travelling Members of these councils, together with compensation for reduced offices as a matter of course. His hon. Friend was entitled to great credit for industry and ingenuity, but he had collected together a set of most unmanageable details, and had succeeded in producing the most objectionable measure he (Colonel French) had seen during an experience of twenty years. He trusted, therefore, that the Government would not sanction the measure, and for his own part he felt bound to meet it with a direct negative.

Mr. BAGWELL said, he thought this question relating to grand juries was one which must be very soon entertained by Parliament, and which could not remain much longer in abeyance. In reality the system was perhaps the greatest anomaly which existed at the present day. Grand juries could at any time overrule the cess-payers, and the result was that in this case there existed a system of taxation without representation. Under these circumstances, though it was too late to attempt to legislate on this subject in the present Session, he did hope that now they had as Chief Secretary for Ireland an Irish gentleman who had been for many years conversant with this subject, the right hon. Gentleman would either himself bring forward or would support such a measure as would meet the wishes of the people of Ireland on this subject. He was sorry that he felt obliged to vote against the Motion of the hon. Baronet the Member for Mallow (Sir D. Norreys), but that hon. Gentleman would make a bad system ten thousand times worse by his proposal.

MR. M'MAHON said, that the hon. and gallant Member for Roscommon had not applied himself to the question before the House, which was, not "Aye or No, is the proposition of the hon. Member a good one," but "Aye or No, is the grand-jury system worthy of support?" Now, from Thom's *Statistics*, it appeared that this species of taxation had been constantly increasing. From 1836 to 1849, when the charge for the constabulary force was removed, the county cess was never less than £1,000,000, and sometimes much more. Now, although a charge of £500,000 for the constabulary force had been removed, the amount of cess in 1855 was as much as £978,000. In 1854 the entire revenue of Ireland was about £5,000,000, so that the tax in question was a fifth part of the whole revenue of the county. It was more than the whole revenue of Switzerland and twice that of Greece. He was firmly persuaded that there was not a man out of Roscommon who was satisfied with the present grand-jury system, and he could quote to almost any extent from the evidence of witnesses from Armagh, Tyrone, and other parts of Ireland, given before the Devon Commission, to show that the county cess was a most intolerable grievance, which required to be remedied. But the greatest number of complaints against the present system came from the county of Kerry, which was represented by the right hon. Gentleman the Chief Secretary for Ireland. Even in the province of Ulster the county cess was considered the greatest grievance of the country. Mr. O'Hara and Lieutenant Colonel Blacker gave evidence against it. Mr. Sproule said it was the most grievous tax the country laboured under, and an intolerable burden which required redress. The House must recollect that the cess was imposed by gentlemen who happened to be chosen by the High Sheriff; and even the High Sheriff could not always exercise his own discretion in the appointment of those gentlemen, for it was not many years ago that a High Sheriff had been horsewhipped for not putting a person on the grand jury. The fact was that this was an old standing grievance, to remedy which little or nothing had been done for upwards of a quarter of a century. So long ago as 1830 the Select Committee on the state of the poor in Ireland expressed their decided opinion that, in order to impose some check upon the expenditure, the occupying tenant should be released from the burden of paying the whole of the county assessment, and that such assessment should, in whole or in part, be paid by the landlord. That was the view which was all but universally entertained in Ireland, the people being quite agreed either that the landowners should pay half the cess, or that the class who imposed the rate should be elected by the ratepayers. In England there was a representation as a check on the expenditure, but that was not the case in Ireland. It had been said that a great improvement had taken place in the system since the appointment of associated cesspayers, under the 6 & 7 *Will.* IV., in 1836; but the fact was, that those persons were named by the grand jurors, who usually nominated, not the best financiers in their neighbourhood, but the men who were the most facile and most likely to concur in any job that might be proposed. Previously to 1835 the county cess in Ireland had never, but upon one occasion, amounted to as much as £1,000,000; but since that year it had always exceeded that sum, and in 1849 it reached £1,300,000. The cesspayers, therefore, so far from contributing to reduce the rate, were only made the cloak for more jobbery and increased expenditure. He was satisfied that the right hon. Gentleman the Secretary for Ireland could not confer a greater benefit on the country than by acceding to the Motion of the hon. Member for Mallow; and, if he did so, it would be then open to the Government to appoint a Committee, or a Commission, in the vacation, to consider the whole subject. Whatever the House might do, however, he trusted that they would not, by agreeing to the arguments of the hon. and gallant Member for Roscommon, proclaim that the present grand-jury system of Ireland met with their approbation.

MR. COGAN observed, that he should vote for the Motion of the hon. Member for Mallow without committing himself to all the details of the proposition. The affirmation of that Motion would be merely an expression of disapproval of the present system of grand juries in Ireland, and that a representative system should be substituted. In the presentment sessions it was notorious that the voice of the elected ratepayers was always overborne when any question came forward in which the gentry of the county were interested. On a recent occasion a presentment for a large sum of money, £3,000, was applied for in the county he represented. The elected ratepayers for fourteen baronies appeared, and out of the fourteen baronies nine voted against the presentment and five for it; but thirty-five magistrates came down, many of whom had seldom or never attended petty sessions, and the presentment was passed, against the wish of the ratepayers. Therefore some remedy ought to be applied to this state of things, and he suggested that some system might judiciously be adopted similar to that of a board of guardians, composed partly of elected and partly of *ex officio* members. The expenditure would then be more economically administered, and great advantage would result from the association together of different classes of the community. He thought the county cess should be distributed between the occupier and the owner. He trusted the Government would give an assurance that the grand-jury system would receive their consideration, and that they would at some future period introduce a measure to remedy the evils which on all hands were acknowledged to exist.

MR. H. A. HERBERT said, that the hon. Member who introduced the present Motion described him as entirely prejudiced in favour of the grand jury system, and said that he was so accustomed to rule everything according to his own way in his own county, that he would hardly fail to cling to a system, the incidents of which were demoralizing and under which jobs of every description were sanctioned. He must deny altogether the possession of any such influence. There existed in his county a body of gentlemen quite as independent as himself, and therefore incapable of being influenced in the way described. He was not prepared to state that the grand jury system was all perfection. It had certain defects, and he should be glad to do all in his power to remedy them, but he could not agree that they were of such a nature as to justify the very strong description given by the hon. Gentleman. He had been for twenty years a member of a grand jury, and he had seen, year by year, great improvement in the condition of the roads in his own county, combined with more economical management of expenditure. The system, with all its imperfections, worked on the whole exceedingly well. He was quite willing to admit that, with respect to the formation of baronial-road sessions, he should like to see a more popular system of election introduced, and therefore the hon. Member would see that he was not so bigoted as the hon. Member had supposed in favour of everything connected with the grand jury system. He would be satisfied if they got for those sessions as popular a system of election as was established for boards of guardians; but if the hon. Member meant to say that no such thing as a job was perpetrated by the Poor-law Boards, he must express his dissent, while admitting that the poor-law system had generally worked well in Ireland. At the same time it must be recollected that, according to the existing practice, all works originated with the road sessions, and not with the grand juries. While stating that he was ready to accede to a liberal modification of the grand jury system in the point he had adverted to, he would guard himself against being supposed to adopt the views expressed by the hon. Mover of the present Motion on that part of the subject. With regard to the incidence of the tax—theoretically it might not be quite just; but if a new arrangement of it were made it would have to be on a principle different from that under the Poor Law. He did not think it would be fair to take away all power from the grand jury, and at the same time to fix them with half the taxation. It was true that that principle was adopted with regard to the poor-law taxation, but in that case there was this distinction, that the poor-law rate was an entirely new tax, whereas the grand jury cess was an old one, and lands were let and taken subject to it. The hon. Member was also unfortunate in his allusions to England, because not only were the highway rates in that country paid by the occupier, but also the whole of the poor rate. The hon. Member had alluded to the Report of the Commission; but if he had read more of it he would have found that the Commissioners were far from recommending the extensive change which he proposed, and that what they recommended was something totally different from the sweeping away of the whole system and the substitution of another in its place, a change the benefit of which was extremely doubtful. The want of continuous action between one grand jury and another had been also referred to. It was perfectly true that when grand juries were broken up they could not supervise the expenditure of the counties, but the remedy recommended in the Report was not the abolition of the grand jury system, but the creation of financial committees, to be entrusted with certain powers. He must remind hon. Gentlemen that the grand juries had no power whatever of originating taxation, and that when they appealed to English notions with regard to the abuses of the grand jury system, they spoke of a system which no longer existed, for the Act of 1836 provided that all taxation should originate with the body of cesspayers, and much embarrassment was frequently occasioned by the stringent wording of the law, which rendered it impossible for grand juries to take the initiative with regard to measures of taxation. The Bill of his hon. Friend was so voluminous that he would not attempt to enter into its details. He (Mr. Herbert) did not mean to say the grand jury system was perfect and incapable of improvement, but it was impossible that so voluminous a measure, containing 190 clauses, introduced on the 23rd of June, could have any chance of passing into law during the present Session; and, if his hon. Friend was simply anxious that his propositions should be known and considered, he had already had the opportunity of printing and circulating his Bill. If, therefore, his hon. Friend pressed the Motion, he (Mr. Herbert) would deem it his duty, without any discourteous feeling, to vote against the introduction of the measure.

Mr. MAGUIRE said, he had expected more from the right hon. Gentleman the Secretary for Ireland. The admissions of the right hon. Gentleman, however, proved that the hon. Member for Mallow has rendered a public service in bringing this subject, Session after Session, under the attention of the House. He (Mr. Maguire) believed, however, from the experience he had had on such matters, that, if any amendment was to be effected in the grand jury law of Ireland, it must originate with the Government, and he thought it was the duty of the right hon. Gentleman (Mr. Herbert)—whom as an Irishman he (Mr. Maguire) was glad to see in his present office—in conjunction with his hon. and learned Colleague who was well acquainted with the subject, to devote his attention to it during the recess, with the view of preparing a measure which might be submitted to Parliament next Session. His hon. and gallant Friend the Member for Roscommon had intimated that the grand jury system was popular in Ireland, but he (Mr. Maguire) ventured to say, that there was scarcely any institution in that country which was at the present moment more unpopular. In proof of this fact, he might mention that at the last election nearly forty Liberal Members were returned, who were pledged to their constituents to endeavour to effect some improvement in the grand jury law. He (Mr. Maguire) could state, that the associated ratepayers regarded their functions as a mere farce, and were disposed to shrink from their discharge. The fact was, that they had no real power, for six, or eight, or ten, associated ratepayers, might be overridden by a "whip" of some thirty or forty magistrates. The great principle of the British constitution was, that taxation and representation should be co-existent, and he believed that if the principle were fully carried out, the ratepayers would discharge their duties as anxiously and as assiduously as the humblest members of the boards of guardians. It would be well for the public interest, if there was a popular form of election; and he called on the Secretary for Ireland to put a Bill on the table next Session in which that principle was recognized, believing, if the right hon. Gentleman did so, that every Irish Member on both sides of the House would give in his adhesion to such a measure. He (Mr. Maguire) could conscientiously say, on his own knowledge, that the existing system was unpopular, and that the right hon. Gentleman would do a most meritorious act, if he gave this subject his serious consideration in the recess, and came prepared in the next Session of Parliament with a matured measure for dealing with it. He (Mr. Maguire) should feel it his duty to vote with the hon. Baronet (Sir D. Norreys) if he pressed his Motion on this occasion to a division, but he thought at the same time that the hon. Baronet, having done a great deal to advance the question, might fairly yield to the suggestion of the Secretary for Ireland, and withdraw his Bill, without seeking the additional triumph of a small minority.

Mr. GREER said, he could assure the

House that the grand jury system was quite as unpopular in that part of Ireland with which he was connected, as it had been described to be in other districts of the country. He had hoped that the right hon. Gentleman the Secretary for Ireland would have been prepared to announce that the Government was about to take up this subject and deal with it in some way calculated to allay the existing discontent. Not a single hon. Member who had spoken during the debate, not even the hon. Member for Roscommon, had ventured to deny that it was capable of reform. He (Mr. Greer), while approving the principle of the Bill of the hon. Baronet (Sir D. Norreys), thought, at the same time, the hon. Baronet would do wisely not to press his Motion to a division after the speech of the Secretary for Ireland. But, inasmuch as the right hon. Gentleman (Mr. Herbert) had said, the grand jury system required reform, he (Mr. Greer) thought the right hon. Gentleman was bound to urge the matter on the attention of the Government, so that a remedy might be applied to what he admitted to be a manifest grievance. With respect to the associated ratepayers, he did not think so ill of them as some hon. Members who had taken part in the debate. He believed that in some districts they were useful in many respects, and especially in preventing jobs, but they were not a sufficient check on the profuse and unnecessary expenditure of money by the grand jury. For his part, he should like to see the grand jury itself an elective body, chosen directly by the ratepayers, after the example of the poor-law system, which had worked so well in practice. There was also another matter to which he wished to direct attention. Many items of expenditure the associated ratepayers had no control over. For example, there was in each county a treasurer, at a considerable salary, although the money was received and all payments made by the Bank, and the treasurer never received a farthing of the funds. This abuse and many others connected with the grand jury system called loudly for some remedy.

Mr. BOWYER said, that after reminding the House that he himself brought in a Bill on this subject during the last Parliament, he wished to observe that the Secretary for Ireland had admitted that it would be desirable to introduce the principle of representations into the road sessions. In doing that, the right hon. Gentleman had conceded the principle of representation; but if that principle were right and proper with regard to the road sessions, why should it not be so with respect to the grand jury itself? He was told that the expenditure originated with the road sessions, and that the grand jury had no power to originate anything; but it ought to be remembered that, under the existing system, the Lord Lieutenant, as the representative of the Government, appointed the sheriffs, the sheriffs appointed the grand jurors, the grand jurors appointed the associated cesspayers, and the associated cesspayers had to determine what were the proposals which should be submitted to the consideration of the grand juries. Now, that system appeared to him to resemble a vicious circle; and he certainly thought that it ought to be amended at the earliest possible moment. It would, no doubt, be an improvement if the associated cesspayers were elective, but he wanted to know why the grand jury should not be elective also? It had been said during the debate that the grand jury system was one of great purity, but in answer to that he could state that in the county of Louth, with which he was connected, it had not that reputation, but, on the contrary, gave great dissatisfaction. He contended that if even it did not give opportunities for jobbery, the system was wrong in principle. He was told—though he was not in the House at the time—that the hon. Member for Roscommon, while opposing the Motion before the House, still conceded the principle of representation. Why, that was the very principle on which the Bill of the hon. Member for Mallow (Sir D. Norreys) proceeded, for it provided that those who managed the cess should be elected by those who paid the cess, and he (Mr. Bowyer) confessed he was disappointed at not having heard a fuller recognition of that principle by the Secretary for Ireland. If the hon. Member for Mallow pressed his Motion to a division, he (Mr. Bowyer) should go into the lobby with him, because he had no doubt the principle of his Bill was a sound one. He had, however, a notion that it was too complicated a measure, and was in that respect not so good as the Bill which he (Mr. Bowyer) himself introduced last Session, in which he endeavoured to avoid the evil of complexity by dealing only with the want of representation in the grand jury system.

LORD CLAUD HAMILTON could not agree in the justice of the statement of the hon. Member (Mr. Greer) as to the great unpopularity of the grand jury system in the north of Ireland. He (Lord C. Hamilton) had enjoyed extensive opportunities of becoming acquainted with the opinions of the grand juries and the farmers in that part of the country, and he could state that, as far as his knowledge went, the Members of both those classes considered the Bill before the House to be as absurd a measure as it would be possible to devise. The hon. Member (Sir D. Norreys) had omitted the effects of publicity in moderating any mischievous tendencies in the grand jury system, and without publicity his new boards would be nests of jobbing. The Act of 1836 was, no doubt, an improvement, but it had been followed by an increase of expenditure, and would not the same result follow the adoption of the hon Gentleman's Bill? He would admit that of late years the practice had been for the grand jury to select the associated ratepayers, but he denied that the practice was according to law. The reason was that farmers now attended more to their own affairs, and it was difficult to get respectable farmers to come to a baronial sessions, and still more to lose two or three days in a county town at assizes. Therefore, practically, the grand jury were obliged to nominate the associated ratepayers, but they would be delighted to see the farmers take a more active part in the management of county affairs. It was said that the associated ratepayers were sometimes overwhelmed by the magistrates, but in the case alluded to by an hon. Member (Mr. Cogan) the presentment was one made by the county at large. It would, however, be so contrary to everything right and proper for the magistrates to come to the baronial sessions and overwhelm the associated ratepayers that such an interference could not fail to be visited by the severest condemnation of the public press. He should be glad to see some changes in the grand jury system, but he protested against the wholesale condemnation of that system which the House had heard from the hon. Member for Mallow.

MR. M'CANN remarked that he would advise his hon. Friend the Member for Mallow to leave the matter in the hands of the right hon. Gentleman the Secretary for Ireland, who, he trusted, would be prepared before next Session with a measure on the subject.

SIR DENHAM NORREYS said, that he had forborne to make any statement condemnatory of the grand jury system upon his own authority. The Commissioners stated, so long ago as 1840, that the associated ratepayers were selected by the grand jury, and that they did not attend except to agree to some job or other. There could, therefore, be no connection between the practice of selection by the grand jury and the present prosperity of the agricultural interest, as had been suggested by the noble Lord (Lord C. Hamilton). He had no great hopes of any efficient measure from the Secretary for Ireland. He was a Liberal, and had shown a disposition to act liberally, but he doubted whether he would touch the grand jury class, to which he himself belonged. The discussion that had taken place that night would, however, go before the country, which would judge between him and the right hon. Gentleman. He had only to add that he would accede to what appeared to be the wish of the House, and did not intend to press his Motion.

Motion by leave *withdrawn.*

GROWTH OF COTTON IN INDIA.

MOTION. PREVIOUS QUESTION MOVED.

MR. J. B. SMITH said, that the importance of the subject to which he was about to call the attention of the House could scarcely be overrated, and when he remembered the eloquence and ability with which it had been advocated in that House by gentlemen who were no longer Members of it, he confessed that he felt somewhat dismayed at the task he had undertaken. He begged, therefore, at the outset to bespeak the kind indulgence of the House. There exists so great an indisposition to change in this country, that it is not until evils have accumulated to an unendurable extent that the Legislature can be induced to grapple with them. It was not until Ireland was overtaken by a fearful famine that we could be persuaded to abandon the folly of depending on one source of supply for our necessary food, and so in the case of India, hundreds of thousands of the population were periodically swept away by famines occasioned by droughts, and yet the attention of the Government was not directed to these enormous evils until the serious financial embarrassment they occasioned forced them to adopt some means of preventing the recurrence of these deplorable visitations. Hence the commencement of the great Ganges Canal and some other works of irrigation. We are now suffering from a short supply of the important article of cotton, and it was not improbable that that circumstance may be the means of forcing our attention to India, and may lead to important changes in our Indian policy and Government. The wise commercial policy established in England in 1846 had produced results beyond the most sanguine expectations. Our foreign trade had doubled within the last ten years, and an enormously increased demand had been created for the raw materials of all our manufactures, the consumption of which had overtaken the production. A deficiency in the supply of cotton was consequently experienced, and many of our manufacturers were at present working short time. This state of things had led them to reflect on their present position and future prospects. The latter were by no means flattering. This great manufacture depends chiefly on one source of supply for its raw material. Of the 900,000,000 lbs. of cotton-wool which we consumed last year 700,000,000 lbs. was the produce of America. The result of this state of things was that great fluctuations in price were experienced, arising from variations in the seasons, while there was also the additional disadvantage and danger that the greater portion of the supply was the product of slave labour. In these circumstances it was some consolation to our manufacturers to know from inquiries, which they had instituted, that we had in our own territories a larger portion of land suitable for the growth of cotton than was possessed by any other country in the world. We had an abundance of land in the West Indies, but there existed a deficiency of cheap labour. In the East Indies, also, we had an unlimited area of suitable land, while labour was abundant and cheap. It was chiefly to India, therefore, that our manufacturers directed their attention. The Committee moved for by Mr. Bright in 1848, on the growth of cotton in India, reported that that country was capable of furnishing an unlimited supply of cotton. Why, then, it would be asked, did not our manufacturers send their agents to India to procure this important article; and how was it that Englishmen who are to be found in every other part of the world will not go to India? This is a question which the Indian Government are called upon to answer. Now, within the last fifteen years upwards of 3,000,000 of our people have emigrated to different parts of the world, but very few of them have gone to India. According to an official return the number of British subjects engaged in trade and commerce in India, and unconnected with the Company's service, was, in 1852, in Bengal 273, in Madras 37, and in Bombay only 7. In the towns, however, including Calcutta and other popular places, there were 10,000 such persons, while in the country there were but 317. Was it on account of the climate that Englishmen will not go to India? Why, there was no country, however inhospitable its climate, in which they were not found in pursuit of gain, or the improvement of their own condition. It could not be the climate which kept our countrymen from settling in India. There was no lack of Englishmen anxious to enter the East India Company's service. If India, then, was the only country to which our people did not transfer their energy, capital, and skill, by which it would be so much benefited, that fact alone was a sufficient ground for inquiry. The reason why Englishmen did not go to India was, he believed, because the Indian Government was synonymous with bad government. In that country there was an absence of what the noble Lord the Member for London lately described as the very object for which all Governments were established—namely, the protection of person and property. In India there are no roads, no enterprise, and the people are naked and poverty-stricken, and, except in the province of Bengal, no man can own a single acre of land in fee simple. These, surely, were not very encouraging conditions to tempt an Englishman either to embark his capital or to settle there. In England we have 120,000 miles of road, but India, a country nearly as large as all Europe, had only three or four thousand miles of metalled road. The Bombay merchants emplained that they could not get into the country because there were no roads or bridges; and, for the same reason, the people in the country could not come to them. In a Memorial presented to Lord Dalhousie by the leading merchants and bankers of Bombay in 1850 it was stated—

> "'Bombay possesses scarcely any roads. So miserably inadequate are the means of communication with the interior, that many valuable articles of produce are, for want of carriage and a market, often left to perish in the fields, while the cost of those which do find their way to this port is enormously enhanced, to the extent sometimes of 200 per cent; considerable quantities never reach their destination at all, and the quality of the remainder is almost universally deteriorated.' Colonel Grant said that, 'Of the vast number of sheep fed in Candeish and the Deccan which are sent down to the Bombay market, not one-third reach Bombay alive, and those greatly reduced in flesh.' Mr. Mackie, who was sent out by the Manchester Chamber of Commerce for the purpose of inquiring into the facilities which that country afforded for the growth of cotton, confirmed these statements, and said, 'It is a misnomer to call the rude tracks in Guzerat roads.' He added that, 'In the civilized and ordinary sense of the term, there are none in the province.' He relates that it took him seven hours to travel twelve miles in a bullock-cart on the road between Jambooseer and the port of Tankaria, and long before he arrived at the end of his journey there was scarcely a bone of his body which was not the seat of pain. 'On the way the mamlutdar amused us with several stories of accidents which had occurred on the road, one of which related to the sad fate of a trader, who received such a jolt as made him inadvertently bite the end of his own tongue off. Nor is this road a mere byway leading to a village or two, but a great thoroughfare, forming the main outlet to a large and rich tract of country.'"

General Briggs, when examined by the Committee on Cotton of 1848, of which he (Mr. Smith) had the honour to be a member, related a story which was almost incredible. He said—

> "During the campaign of 1846, 100 officers were required to be sent 1,500 to 1,600 miles, from Calcutta to the banks of the Sutlej, and were obliged, from the state of the roads, to be carried in palanquins, so that 7,200 men must have been put into requisition to carry them, and yet only 30 of the 100 arrived before the campaign was over."

Travellers related such a state of things in Turkey as the evidence of a barbarous Government, but one can scarcely realize it in a country which has been governed 100 years by Englishmen. The hon. Member for Guildford (Mr. Mangles), when examined before the Cotton Committee, admitted that it was the duty of the Government to make roads, works of irrigation, and other public works in India. He was asked the question, "What revenue have you received during the last fourteen years from India?" His answer was, "We have received about £300,000,000." He was then asked, "What have you spent in roads, works of irrigation, and public works?" and his reply was, "£1,400,000," being about 1*d.* for every £1 they had received. But even if roads were made into the country, the extreme sterility of the soil of India afforded but little attraction to European settlers. An acre of land only produced from 50 lbs. to 70 lbs. of clean cotton; but in America the same quantity of land produced 400 lbs. The land in America was watered during the whole cotton-growing season, while in India it was parched sometimes for about eight or nine months by a burning sun. Nevertheless, more rain falls in India than in America, and if it were collected, instead of being allowed to run away uselessly to the sea, the land in India might be made as productive as the land in America, and its growth increased to four or five times its present extent. Colonel Cotton thus strikingly illustrated the folly and ignorance of the Indian Government:—

> "The savages of Australia trod upon gold for hundreds of years, while they were often in want of food, and always without a rag of clothing; and very similar has been the state of things in India. With an unlimited supply of water within reach, which if applied to purposes of irrigation would more than provide for every possible want, the people of India have been generally barely supplied with the necessaries of life, and often so entirely without them as to perish by hundreds of thousands; and their European rulers, with this treasure within their reach, of far greater value in proportion to the cost of obtaining it than the richest gold mines in the world, have been unable to make their income equal their expenditure."

The native Governments appreciated this invaluable method of increasing the fertility of the soil, as is evidenced by the ruins of great works of irrigation in all parts of the country; and we have instructive proofs of the consequences of the destruction of works of this kind in the present condition of Egypt, ancient Nineveh, and Babylon, once the seats of wealth and civilization; but now, on account of the non-irrigation of the land, the soil which maintained their vast populations, is become a sandy desert, and from the same causes millions of acres of land in India were now lying waste. By means of irrigation the growth of cotton in India might be increased four or five-fold, and greatly improved in quality. He did not mean to say that the Government had not constructed any works of irrigation. He had already mentioned that they had constructed the Ganges Canal, which, although forced upon it to prevent famines, was unquestionably a great work. Including its branches it extended 800 miles. [Mr. MANGLES: Hear, hear!] He understood that cheer of the hon. Member, he knew that the East India Company was very fond of boasting of it, but this country might with equal wisdom have folded its arms, and satisfied itself with the boast of having completed a great work when it had made its first railway from Manchester to Liverpool, for that railway only bears about the same proportion to the railway wants of England that the Ganges Canal bears to the irrigation wants of India. One of the great obstacles to Europeans settling in India was the system of land tenure. The Government of India claimed to be the owners of all the land in that country; and except in the province of Bengal nobody could own an acre of land in fee simple. The question of land tenure in India was most important. In the United States and in the British colonies, as well as in India, the Government claim to be the owners of all the land; but in these countries it is sold to the people in fee simple for ever. In India the Government retain it as landlords. Every field in this vast empire is measured and assessed, and by whatever nominal tenure the land is held, the real tenure is an annual settlement, because the assessment nearly always being higher than the ryot was able to pay, a yearly inquiry was necessary to determine how much the cultivator could pay. That system of annual settlement of the land necessarily gave immense power to a swarm of corrupt Government officials; but he had no doubt that his hon. Friend the Member for Guildford (Mr. Mangles) would call this system the perfection of human wisdom. He would not enter into a discussion of that part of the subject, but he would read to them the opinion expressed by the Directors of the East India Company in 1809, which appeared to him (Mr. J. B. Smith) to be so consistent with common sense that it was surprising the system had continued so long. In their despatch in that year they dwelt upon—

> "The obvious defect of the system of land tenure, the minuteness of investigation which it involves, the necessary employment of countless native agents, the impossibility of preventing their malpractices, and the difficulty of adjusting the rents to all the varieties of the seasons and public events; and conclude, that although the plan, intelligently followed up, might be well calculated to discover the resources of a country, yet it was not to be preferred for constant practice."

A high authority, Lord Wellesley, had also expressed his opinion that the Indian Government ought not to be owners of the soil or collectors of the rent. It was a mistake to suppose that there was any analogy between rent in England and rent in India. Rent in England is paid by a capitalist, who farms for profit. In India the ryots or cultivators are without capital; the only motive they have for devoting themselves to the cultivation of the soil is the pressing wants of nature, the necessity of getting food. They must, therefore, pay any rent imposed on them, or starve. After all, the best test of any system was the condition of the people. What was the condition of the people in America and in our colonies? Why, they were among the most flourishing communities that perhaps ever existed on the face of the earth. But what was the condition of the naked tenants of the East India Company? Extreme poverty and abject wretchedness. In our Eastern colonies, Ceylon, Penang, Singapore, and Hong Kong, the Indian system had been abandoned, and the land was either sold in perpetuity or let on leases of 999 years. That system was an encouragement to European settlement, and had effected such an improvement in the condition of the people that they were to be reckoned among the most flourishing of our Eastern fellow subjects. He remembered that some curious evidence was given before the Cotton Committee as to the taxes imposed in Madras upon the tools of the artisan — his hammers and chisels, for instance. Even the barber's razor was taxed. The instrument with which the Indians cleaned cotton, and which cost 1*s*., had to pay an annual tax of 2*s*. He was glad, however, to say that he had lately received a Return dated Nov. 5, 1856, in which it was stated that these scandalous taxes were abolished. About ten days ago he also received another document of a most extraordinary character relating to Madras. He believed that the land tax in that province produced less now than it did fifty years ago. After having impoverished the people to such an extent that (as was proved before the Torture Commission), the rents could not be collected except by torture, the Indian Government had at last commanded a new assessment and survey to be made of the province of Madras. That province was about three times as large as England and Wales, but the portion which was to be surveyed was about as large as Great Britain. From the evidence given before the Committee, the House might form some idea of these Indian surveys. Every field was measured; four or five holes were dug in it in different parts to ascertain the quality of the soil, from which the surveyors estimated the amount of the produce it would yield, and then the rent was fixed at two-thirds of the net produce. After all, however, the assessment was left to the judgment and sound discretion of the assessor. He saw it estimated that this survey would take not less than twenty-two years to accomplish, and that it would cost £764,000—and reckoning the value of money to be six times more in India than in England, it would amount to a sum equivalent to about £4,000,000 or £5,000,000 of our money. If a document of this kind had issued from Constantinople it would have created no surprise; but that it should have issued from a country governed by Englishmen, with the lights and experience of the nineteenth century, and with a distinguished political economist high in the service of the Company whom they might have consulted, was indeed extraordinary, and only showed how slowly light travelled to the regions of Leadenhall Street and Cannon Row. The work would occupy twenty-two years! Why, how many of the wretched cultivators would have passed away to be taxed no more ere this doubtful relief reached them! It would cost £764,000, which in Madras would make 2,000 miles of road. If the hon. Member for Guildford (Mr. Mangles) did not know the effect of roads upon the value of land he would probably be glad to have his attention called to a very interesting document — a report to the Board of Trade on American railways by Captain Galton. This Gentleman says, that in the State of Illinois, bordered by the Mississippi, the American Government had on sale land supposed to be some of the richest in the world, but which remained on sale thirty years at a dollar an acre, and, strange to say, no customers could be found for it. In this state of things an American company offered, in consideration of receiving 2,500,000 acres of land, to make a railway throughout the country. The Government consented, and Captain Galton reported upon the 700 miles of railway which this company had made. No sooner was the line completed than people flocked from all parts to take possession of this rich soil, and the result was that land which for thirty years had been unsaleable at a dollar an acre was now sold by the company at 13 dollars 9 cents an acre, their sales in April last amounting to 566,000 dollars. Now, before the hon. Gentleman and his colleagues had issued the Minute to which he had referred, involving an outlay of nearly £800,000 upon a work which would not be completed for twenty-two years, would it not have been well to inquire what would be the effect of making nearly 2,000 miles of road in the province? He need not take the hon. Gentleman across the Atlantic to discover the effect of roads upon the value of land. In Ceylon, which rejoiced in not being under the East India Company's government, 3,000 miles of road had been made which was nearly as much as there was in all India; and capital roads they were, for a gentleman had informed him that he had travelled over them, not on palanquins borne on men's shoulders, but in a stage coach. In the little island of Ceylon, with a revenue not one-fiftieth part of that of India, 1,247 miles of road were rendered serviceable in four years and a half. Mark the results. Sir Emerson Tennent said—

> "Before the Kandy road was made the paddy fields at Kaduganame were but worth one-half what they sell for now. Before the road was made to Marajapoora the people there could not sell their rice for more than 6*d*. or 7*d*. a parrah, and they could scarcely get fish or salt to buy at any price, because the dealers could neither come to sell their fish nor buy their rice. Now they get from 2*s*. 6*d*. to 3*s*. a parrah for all the rice they can grow, and they get their salt, fish, and every other article abundant and cheap; so that the effect of new roads is to double the value of land, to double the value of everything you have to sell, and to lower the cost of everything you have to buy."

But he would take the hon. Member to India itself. In Rajahmundry, a district of Madras, roads and works of irrigation had been carried on, and he had been favoured with a letter from that district dated April, 1856, which showed this gratifying result—

> "Everybody and everything is prospering; there is no poverty, and I never hear any complaints of excessive taxes, of having to sell cattle to pay, of having lost all their crops, or that they had been ill-treated by the authorities, or been obliged to cultivate against their will; on the contrary, the difficulty in Naggarum is to decide who is to be allowed to have land, and not who must. And in Mogultoor the amibdar says,—He need not send people hunting the ryots to get the rent; they bring it to him themselves. I never by any chance see any of those half-starved wretches with scarcely any clothes. Everybody can get plenty of work everywhere."

In the same district Mr. Taylor, the revenue officer, officially reported—

> "That twenty-four villages in one talook, stimulated by the improvement in their outward circumstances, had voluntarily proposed that a permanent addition should be made to their land tax, to be applied to the establishment of schools for the education of their children."

There was abundant evidence to show that India possessed capabilities for producing not only cotton in almost unlimited quantities, but sugar, corn, tobacco, flax, hemp, and a variety of other articles, if the obstacles were removed which now weighed on the energies of the people, and prevented them from developing the resources of the country. There could be no question that if these obstacles were removed, and the people were placed in as comfortable a position as those he had just described in Rajahmundry, the consumption of English manufactures would be enormous. His belief was that India was capable of consuming as much of our manufactures as we now exported to all the world; and it was certainly a marvellous thing that a few thousand people in Australia should consume more of our manufactures than 180,000,000 of people in India. We had the evidence of Sir Thomas Munro that the Natives would take our manufactures if they were able. He said—

> "The small demand for our manufactures arises solely from the inability to consume them. If the existing mode of taxation should be abandoned, the country, instead of rice and dry grain, would be covered with plantations of betel, cocoanut, sugar, indigo, and cotton, and the people would take a great deal of British manufactures, for they are remarkably fond of them. They are hindered from taking our goods, not by want of inclination, but either by poverty or the fear of being reputed rich, and having their rents raised. When we relinquish the barbarous system of annual settlements, when we make over the land either on very long leases or in perpetuity to the present occupants, and when we have convinced them by making no assessments above the fixed rates for a series of years that they are actually proprietors of the soil, we shall see a demand for European articles of which we have at present no conception."

There had lately been a great increase in our imports from India, and some people seemed to be afraid that we were getting a great deal more from that country than we should be able to pay for—that it was draining us of our specie, and that it was becoming a question whether it would not be better for us to give up our trade with India altogether. Now, what was the reason of these increased imports from India? It was all a question of prices. The increase in our imports from India was attributable to the higher price now offered for produce, which operated as a stimulus to the Indian merchant, and, counterbalanced the want of good roads and cheap conveyance; because the rise in the price of cotton, flax, hemp, and articles which we had been accustomed to obtain from Russia had enabled the Indian merchants to pay a higher price for conveying their produce to market than they could otherwise have afforded. If the price of these articles should fall again, however, our imports from India would also decline because the same obstacles existed now as had existed before, and roads and cheap conveyances were still required for bringing produce to market to compete with other countries under ordinary circumstances. The drain of specie at this time might be explained on the same principle that it had been accounted for during the existence of the corn laws. In those days we always had a drain of specie when we had a bad harvest, because we had to obtain our corn from countries where there was only an occasional demand, and we had to pay for it in money. He had endeavoured to show the obstacles which impede the productive powers of India. These obstacles the Government alone have the power to remove. In asking the Government to expend money on roads, canals, irrigation, and other public works, he was only asking them to fill their own treasury. They acknowledged that it was their duty to construct those public works, and the profits upon them were so enormous that the only wonder was that they had not completed works of that description all over India. The Indian Government some time ago appointed a commission to report upon the public works of India, and among other examples the Commissioners gave the following as the result of executing thirty-nine works of irrigation in the district under the Madras Presidency between the years 1836 and 1849. Of the thirty-nine works in question, the total cost of which was £54,111, on three there was a loss; four realized profits under 10 per cent per annum, sixteen realized profits of from 10 to 50 per cent per annum, nine realized profits of from 50 to 100 per cent per annum, six realized profits of from 100 to 200 per cent per annum, and one absolutely produced a profit of 259 per cent per annum. The net average profit upon the thirty-nine works, after deducting the loss on the three, was 69½ per cent per annum from the year of the execution of the works. At the present time, however, those works yielded a profit of at least 100 per cent per annum: but, in addition, the Government revenue had increased and the value of private property had increased, and those two items together were equivalent to another 100 per cent; so that there was an absolute profit upon those works of 200 per cent per annum. With reference to this subject the Commissioners said—

> "We have repeatedly stated that a vast amount of capital might now be invested in every district in the construction of works of irrigation which would yield a return of 25 or 30 to 50 or 60 per cent on the outlay."

And they added:—

> "Looking at the very small amount of expenditure (£54,111) shown in that table, and comparing it with the vast number of works scattered all over the country, the creation of former dynasties, we could not avoid the reflection that if the present powers (East India Company) had always ruled in the country it would now have been destitute of those valuable sources of wealth."

But the Government had acted upon false principles in carrying out these works, and had thereby embarrassed their finances; for instead of constructing public works out of revenue, as they had done, they should have borrowed the money for those purposes. These works would be more useful to the succeeding than to the present generation, and if they had been constructed by means of loans, India might have been covered with public works without financial inconvenience, and practically for nothing. That, perhaps, was a somewhat startling assertion, but he would endeavour to explain it. In Manchester a great public work had been executed for the purpose of supplying the city with gas without costing it one farthing of taxation. The corporation borrowed the money on the credit of the city, the gas was sold at as low a rate as in any other town; and after paying the interest on the money borrowed, and setting aside an annual sum for a sinking fund to pay off the debt, there remained a profit of £30,000 a year, which was applied to the improvement of the city. What was there to prevent the Indian Government from borrowing money for public works when they could borrow money for war purposes? Now, with regard to the growth of cotton in India. Indian cotton was of an inferior quality to that of America. It was worth less by 2*d.* per lb., and was only consumed by our manufacturers when American cotton was dear. The demand being therefore only occasional, there was no inducement to grow it for the English market. America had been hitherto our great source of supply, from the fact of their growing it cheaper than any other country, but the question arose whether India might not be placed in a position to compete with America in the supply of cotton. Mr. Nesbit Shaw, formerly a collector of revenue in the Dharwar district, was decidedly of opinion that India could even at present compete with America, not however by growing indigenous cotton, but by fairly turning attention to the introduction of superior varieties, by introducing all practicable improvements, and by a rigid determination to put down adulteration and other frauds in the trade. Mr. Shaw tried the experiment of growing on unirrigated land several thousand bales of cotton from New Orleans seed. This cotton sold at Manchester at 6¼*d.* per lb., while the native cotton sold at 3½*d.* per lb. The produce from New Orleans seed was about 100 lbs. per acre, from native seed it was 60lbs. to 70lbs. This cotton (which sold in Manchester at 6¼*d.* per lb.) only yielded about 1¼*d.* per lb. to the cultivator. If this left as large a profit as other kinds of produce it would continue to be grown for a constant demand; and if, therefore, by means of irrigation the produce could be increased four or fivefold, and by improved roads the cost of production could also be reduced, there was no reason to doubt that India could compete with the lowest known prices of American cotton. But the abject poverty of the ryots was such that they could not undertake the growth of cotton, sugar, indigo, or other produce unless advances of money were made to them; and those advances were only made, according to the evidence which was given before the Cotton Committee, at rates of interest varying from 30 to 70 per cent. The Indian cultivator laboured, in fact, under extreme poverty, enormous rents, exorbitant rates of interest for advances, bad roads, and want of irrigation—the two latter evils could alone be remedied by the intervention of the Government. In Ceylon, though the same mistake was fallen into as in India of making roads out of revenue, these roads had so increased the wealth of the country that the revenue was not embarrassed like the revenue of India, and in ten years the exports of Ceylon had increased 230 per cent. He wished to call attention to the excellent opportunity which presented itself of encouraging the growth of cotton in India without a farthing of expense or risk to the Government. The province of Candeish was one of the richest in India, and peculiarly suited for the growth of cotton. It was a country covered with ruined towns and villages, which attested its former prosperity, but at present, according to the report of Captain Wingate, Revenue Survey Commissioner, only 14 per cent of the lands of that province were cultivated, the remainder lying waste, but nearly the whole was fertile and suitable for the growth of cotton, and exportable products, such as oilseeds, and indigo. The ryots were ready to extend the cultivation, but they could not do so with their present rents, a reduction would be sure to cause an extension of cultivation where there was waste to break up. Here was an excellent opportunity for the Government of India to try the experiment of giving a secure tenure of land in perpetuity, such as exists in all the British Colonies and in the United States—a system which has resulted in an amount of prosperity and happiness which might be equally enjoyed by India. According to the testimony of the gentleman he had just referred to, the people wanted the land, and would be glad to cultivate all that was now lying waste. Every farthing the Government received from unoccupied land would be clear profit; industry would be promoted, capital accumulated, the attachment of the people secured, and it would be seen whether a greater revenue could not be raised from prosperous farmers than from poverty-stricken ryots. There was land enough in that province capable of producing more cotton than was now grown in the United States. Shall this land continue to lie waste? He did not know how his Motion was to be met, but he should not be surprised if it was met, as Motions relating to India had in former times been met, by a denial of the facts; but it did not follow because the statements were denied that therefore they were untrue. The statements made on a former occasion by the late hon. Member for Manchester (Mr. Bright) and the present hon. Member for Poole (Mr. D. Seymour) were denied, though they were nevertheless perfectly true. This showed how little dependence was to be placed on the assertions of those who are supposed to be best acquainted with India. The ignorance of the Governors of India upon the condition of India was appalling. He remembered the hon. Member for Guildford (Mr. Mangles) stating before the Cotton Committee as evidence of the oppressions of the people,

> "That the revenue system under the native Governments of India had always been with rare exceptions, of the most oppressive kind; that the manner in which the revenue authorities under the Nizams used to realize their revenue was by torture, flogging and imprisonment; that a revenue officer at Moorshedabad made one of his modes of extortion a pool of ordure and of all sorts of the most abominable filth, which he called 'behisht' or paradise. It was up to a man's chin, and into this he used to plunge the unfortunate defaulters till they brought forward their balances. Another of his tortures was this: he had a large pair of leather breeches made, fastened at the bottom, and full of nasty insects and rats, and these he used to fasten about the naked body of the defaulter and tie them under his arms."

The hon. Member for Guildford contrasted this state of things with the happy condition of the natives under British rule, though at the very moment he was speaking the most infamous and degrading insults and tortures, of which no doubt the hon. Member was perfectly unconscious, were being practised even upon women in India — insults and tortures which he could not mention, lest perchance the description should reach female ears. But hon. Members need only read the Madras torture Report to see how the honour and character of England had been degraded by the East India Company. The House would perhaps remember that the Hon. Member for Poole brought the question of India before the House some years ago. He stated that he had recently visited India. That he had travelled for miles through a desert country. He said that the population was in a most miserable condition; and that the great object of the Government of Madras was to get 10*s*. out of a man who had only eight. He said that torture was practised for the purpose of extorting rent. How were these statements met? The hon. Member for Honiton (Sir J. W. Hogg), then Chairman of the East India Company, made, as usual, a very clever speech, in which he said that there was not a word of truth in what had been stated; and that the hon. Member had been imposed upon by the statements of designing and interested persons, whose petitions to that House were a tissue of the grossest perversions and exaggerations. The right hon. Secretary of the Admiralty, who was then the President of the Board of Control, also got up and said that he did not believe that torture was practised in India. The hon. Member for Guildford (Mr. Mangles) rose and said that he had been twenty years in India, and he declared most solemnly that he had never heard of anything of the kind. Another hon. Member, the Member for Roxburghshire, declared that though he had been thirty years in India, and also Secretary to the Board of Control, he had never heard of the existence of torture in India. What confidence can we attach to the information of such gentlemen in future? The fact was, that nothing was known of India except through the East India Company and their servants. We had never come into contact with the natives, except, indeed, upon one occasion, and that was a very instructive one. Lord Harris, as soon as he heard of the charge made by the hon. Member for Poole, of the practice of torture in the Presidency of Madras, issued a Commission that declared itself ready to receive evidence from all quarters; and what was the result? Why, though this inquiry was made at a most inconvenient season of the year—at a time when the people were gathering in the harvest, yet these poor creatures came 400 miles, in a country where there were no roads, to tell their grievances, and to complain of the tortures that had been inflicted in a most cruel and unmanly manner upon themselves, their wives or their daughters. The British Government had thought proper to suspend their relations with some foreign States on account of the ill-treatment and torture to which the subjects of those States were exposed by their Governments; but he would ask, if they looked a little nearer home than Naples, whether it might not be necessary to break off their relations with the East India Company? He wished to ask whether the time had not arrived when 180,000,000 of people in India should no longer be regarded as the subjects of a Government chosen by the proprietors of East India stock, but become the subjects of Queen Victoria? He called upon the House to do speedy justice to India. They had heard from that country a voice which resembled the rumbling of a volcano, and he called upon Parliament to do its duty, and see that justice was not delayed until it was too late. He begged to move,

"That in the opinion of this House it is expedient that Parliament shall direct its immediate attention to the best mode of removing the obstacles which impede the application of British capital and skill to the improvement of the productive powers of India."

MR. TURNER said, that in seconding the Motion, it was not his intention to follow his hon. Friend through the details into which he had entered with regard to the misgovernment of India and the faults of the East India Company, but he would confine himself to a few practical observations, as he thought from a connection of upwards of forty years with the manufacturing industry of South Lancashire he might be able to throw some little light upon the subject. His connection with the Commercial Association of Manchester had placed him in frequent communication with the East India Company, and he consequently possessed some acquaintance with the measures which had been taken for developing the resources of India. He must, in the first place, be allowed to impress upon the House the immense importance of the cotton trade of South Lancashire. The hon. Member for Stockport had stated that such was the immense demand for cotton in the manufacturing districts of South Lancashire, that 900,000,000lb. were consumed annually, 700,000,000lb. of that quantity being imported from the United States of America. He (Mr. Turner) believed that about 380,000 persons were employed directly, and about 1,000,000 incidentally, in the manufacture of this cotton. The amount of capital invested in the manufacture was, at a low estimate, £40,000,000, and a working capital of about £15,000,000 was employed in the prosecution of the trade. In 1856 the exports of cotton goods amounted to the value of £38,000,000 after supplying the whole demands of this country. The cotton consumed in the same year was 2,250,000 bales, weighing 900,000,000. The cotton trade had been advancing with such rapid strides that, although the production of cotton in the United States of America had also made great progress, the demand had far surpassed the supply. One or two facts would exemplify this. During the year 1848 this country imported 1,738,000 bales of cotton, and in 1856, 2,467,000 bales; but while at the end of 1848 there were on hand 496,000 bales, or seventeen weeks' consumption, at the end of 1856 there were only on hand 332,000 bales, or eight weeks' consumption for the United Kingdom. He thought these facts exhibited a very serious state of things for a large manufacturing country like this, and that it was high time public attention should be directed to the subject, which was one not of local but of national importance. If this great branch of industry should be suspended, and it was so already for a considerable number of hours per week, to any greater extent, as it had been in years gone by, what effect would it have upon a large body of the population? In such a case he thought the Home Secretary would have to look with anxious eyes towards South Lancashire, and would find that the question was a serious one for the Government as well as for the cotton manufacturers. It was necessary to inquire how the existing state of things could be remedied, and whether the present supply of cotton could be relied upon without any danger of diminution. As the supply was obtained mainly from the United States, it was necessary to ascertain what was the condition of that country. Slavery had been abolished in our West Indian possessions, and he rejoiced that it was so. But might it not be asked whether there was not some inconsistency in deriving so large a proportion of the raw material required for the manufactures of this country from a State where slave labour was employed? He thought there was a possibility that, sooner or later, there would be some serious disturbance of labour in America; and what would be the state of affairs in this country if, owing to a rising of the slaves, the cotton plantations of the United States should be uncultivated, and a supply of the raw material could no longer be obtained from that quarter? But even if the Americans were to go growing cotton not by means of imported slaves but by a more degrading method,—by means of the poor creatures they raised and reared amongst themselves like so many cattle—supposing that in this way the production of cotton in America increased, and yet that our consumption increased in a greater ratio, could we rely upon the same proportion of imports to the demand which we had hitherto derived from the United States? He thought not; for in America, and in other parts of the world, manufactures were extending as rapidly as in this country, if not more so. The manufacturers there, under a protective system, would be able to offer higher prices for the quantity of raw material they required, and he believed that whatever deficiency there might be in the supply of cotton grown in America would ultimately be felt by Great Britain. The price of cotton was now about double what it was in 1848. In that year American cotton averaged about 4*d.* per pound, while it was now 8*d.* per pound, and the difference of value on the consumption of cotton in Great Britain between 4*d.* and 8*d.* per pound amounted to £16,000,000 per annum, a sum nearly equal to the whole revenues of the East India Company. Where, then, were they to look for the means of meeting any deficiency in the supply of cotton? It was very possible that they might obtain some increased supplies from the West Indies, but since the abolition of slavery the negro population would not perform voluntarily such excessive labour as they were obliged to undergo in the United States. It had been argued that if slavery were abolished in America the negroes would still continue to work, but he did not believe they would get through one-third of the labour they were now compelled to perform. Cotton had been grown, and was still grown, in Brazil, but for many years there had been no increase in the production. In Australia, which had been suggested as a place from which the necessary supply might be obtained, the want of cheap labour must prevent any extensive production for many years, and the same objection applied to Natal. West Africa had been mentioned, but he had himself been concerned in an attempt to establish a plantation in that quarter of the world by way of experiment, which had proved a complete failure, in consequence of the impossibility of compelling the negroes to anything like steady continuous labour. He believed, with the hon. Member for Stockport, that they must look to India to supply the deficiency. He would give the East India Company credit for having, many years ago, introduced a number of American planters into their territories, at very considerable expense, with the view of cultivating cotton on the system pursued in the United States: but he believed the East India Company themselves would acknowledge that that had been a failure. He believed the Americans never intended to accomplish anything worth while in India. Their national feelings led them to fear lest India should become a rival to the United States, and their heart never was in the work. They always said that the cotton of India was as good as it could be made, and that no improvement could be effected in it. Now, he (Mr. Turner) was the largest consumer of East India cotton in Great Britain. His firm used at one time 80,000lbs. weight of East India cotton per week, but it came in so dirty and neglected a state that no price could be given for it at all equal to the price of American cotton. A low price was paid for it, but there was so much adulteration that the firm at one time threw away an amount of sand and dirt that cost them no less than £7,000 per annum. That dirt and sand, however, might have been left behind in India. He must say that, in making representations on the subject of cotton to the East India Company, when he had accompanied deputations, he had always been received with great courtesy and civility; but, though many promises were made, nothing seemed to have been done. Cotton still came from India in the same filthy and neglected state, and that was accounted for by the way in which it was cultivated and brought to the coast. It was cultivated by the poor miserable ryots, who had to borrow money at a most exorbitant and ruinous rate of interest before they could put seed into the ground. From them it was transferred to the dealers, and then commenced the process of adulteration. When the dealers got the cotton, it was placed on bullocks' backs, and in that way conveyed to the coast, being often drenched with wet, and otherwise soiled and disordered. How could it be expected, under the system of culture and conveyance that was in use, and considering the miserable condition of the ryots, that a good article could find its way to this country? Now, to show that the cotton was good originally, he would state another fact. Mr. Landon, a gentleman in India, who had a station at Bruchma, who took an interest in this question, resolved that he would not only clean cotton, but spin it, and for this purpose he erected a mill. He had sent him (Mr. Turner) a specimen of his cotton yarn, which convinced him, that if the cotton could only be got in this country as clean as he had made it in India, the same results could be arrived at, and as good yarn produced. With the cotton which his firm at Manchester obtained from India (speaking technically) they could only produce what was called No. 16 yarn, whereas Mr. Landon was producing, in India, yarn equal to No. 40 from the same cotton. He believed that if the East India Company would only pursue the experiments carried on by Mr. Shaw, they would produce a revolution in the cotton trade of that country. By encouraging the natives to cultivate the American seed, instead of the seed of the country, nearly double the quantity of cotton per acre would be raised, and it would be worth 50 per cent. more than the indigenous article. The East India Company must also encourage efforts on the part of their servants, and make every officer feel that it is his duty to promote, to the utmost of his power, this great national work. They had no right to hold that great country merely for the sake of dividends and revenues. They held it as a sacred trust for the people of this country, as well as the people of India, and it was their duty to see that the interests of both were promoted in their intercourse with each other. The hon. Member for Stockport had alluded to his (Mr. Turner's) using some of the improved cotton of India. It was true, he had done so, and he could assure the House that the cotton grown in Dharwar from American seed was equal in every respect to cotton grown on the banks of the Mississippi. Indeed, the advantage was rather in favour of the East Indian cotton. Mr. Shaw, writing to him, said that the cotton sold in Manchester, and used by him (Mr. Turner) which was valued at 6¼*d.* to 6½*d.* per lb., was grown by ryots by contract; that the rent of the land which produced it was 1½ rupee per acre, and the contract cost for cultivating it another 1½ rupee, altogether 6*s.* Let the House just reflect upon such a fact as this; that, if properly managed, the produce of an acre of cotton, which would amount, even under ordinary circumstances, to 100 lbs., would cost only 6*s.* Why, Amecan slave labour had not a chance of standing against a cultivation like this. He would venture to hope, then, that the East India Board and the Court of Directors would take this matter into their serious consideration, and continue and extend guarantees to capitalists who provided money for well-considered railways, canals, and works of irrigation. He was satisfied that such undertakings would pay a good return for the outlay. He hoped, also, that they would continue and extend the system of securing to the cultivators a sure tenure of their land. That was absolutely necessary; for no man would ever think of attempting to improve land if he had to give the benefits of the improvements to his landlord. Lastly, they should establish a Board of Works in India, to which should be entrusted the special care of all improvements, as by so doing they would secure a more judicious expenditure of capital. By pursuing such measures as these, he believed they would derive a much larger revenue from their Indian empire than they had hitherto done ; and, in place of a miserable population like that which the hon. Mover had described, and which was very little better than the slaves of America, or the serfs of Russia, they would have a happy and contented people, who, instead of requiring silver for everything they sent here, would be able to take our manufactures, and become, what their poverty now prevented them being, valuable customers of this country.

Motion made, and Question proposed, "That, in the opinion of this House, it is expedient that Parliament shall direct its immediate attention to the best mode of removing the obstacles which impede the application of British capital and skill to the improvement of the productive powers of India."

Mr. MANGLES said, the subject which the hon. Member for Stockport (Mr. J. B. Smith) had brought under the consideration of the House was one of great importance, and, he believed, one very little understood. He should, indeed, have to crave the indulgence of the House, if he could feel it right to bandy the very hard language in which the hon. Member had thought it fitting on this occasion to express himself. The hon. Member had denounced the misgovernment of India by the present generation, on grounds which related to transactions which occurred when he (Mr. Mangles) was in his cradle, and for which the present Court of Directors of the East India Company could not be in the slightest degree responsible. Again, the hon. Member talked of India as if it was a unit, and spoke of Madras as if it represented the normal condition of the whole country, and without reflecting by how many hundred miles the two Presidencies were divided, seemed struck with wonder, that a person who had been a Bengal civilian should not know of abuses which existed in Madras. Well, if he (Mr. Mangles) was thus ignorant, he was so in good company. Lord Ellenborough, a man of the greatest ability, who had been for years at the head of the Board of Control, and who had been Governor General, had likewise declared that he knew nothing of the matter. The hon. Member, like other gentlemen from the northern part of the island, seemed to think that they were the men, and that wisdom would die with them. They seemed to believe that none but a Lancashire man could manage any concern, public or private; and they sought to put the Government of India into this dilemma,—either it was guilty of the most atrocious wickedness, or of the most culpable ignorance. The hon. Gentleman talked about improving the productive powers of India. Well, Dr. Johnson had said, that some persons would call out fire during the deluge, and was not the hon. Gentleman aware that India was at that moment sending more to this country than this country could pay for? The sum remitted to England, in the shape of dividends, fortunes acquired, and the like, was at least £5,000,000 a year, for which we send nothing back except a few military stores. So again, the enormous quantity of silver bullion sent out showed the great amount of produce which was sent home. The House would be surprised to hear that in 1855–6 no less than £11,300,000 in silver bullion was sent to India from this country, and that in 1856-7, up to the 3rd of April last, silver bullion to the amount of £10,000,000 was sent out by the Peninsular and Oriental Company's steamers, while within a fraction of £1,000,000 more had been sent from Marseilles, Malta, and Gibraltar. The House was aware that when the war with Russia broke out, our supplies of oilseeds and hemp from that country were stopped, but the deficiency was completely made up from India. The same thing would happen in regard to cotton, if the proper steps were followed. India could supply all the cotton that this country would require, if manufacturers and those who wanted it would cease calling upon Hercules, and set about putting their own shoulders to the wheel, in the same way as those who wanted other commodities from India had done. The hon. Gentleman who seconded the Motion appeared to demand that the Indian Government should undertake to clean his cotton for him, which, he said, came to him mixed up with dirt and gravel, while in the same breath he informed the House that Mr. Landon's cotton was always perfectly clean.

Mr. TURNER explained, that he believed both his cotton and Mr. Landon's were originally perfectly clean ; but while the latter had only to travel a short distance, his own cotton had to pass over the miserable roads of India, and to undergo the treatment to which Indian dealers always subjected such things.

MR. MANGLES said, that those who were anxious to have cotton from India should adopt the reasonable course which Mr. Landon had followed. If they would take the trouble to send out their agents to India, there was hardly any amount of cotton which the manufacturers of this country could not procure from that source. He would just call the attention of the House to the extraordinary increase which had taken place in the production of some articles for which there was a demand. From the provinces of Arracan and Pegu, the elder of which had only been in our possession about thirty years, and the younger had only been occupied the other day, he found that in 1855-6 there were exported no less than 250,000 tons of rice. Why could not the export of cotton be increased in the same ratio? There was no difficulty in procuring sugar, oilseeds, or jute. Then there was the cuckoo cry, that the people of India were so wretchedly poor, that they could not buy our manufactures; but how could that statement be reconciled with the fact, that the balance of trade was, of late years, always against us, and that we were always under the necessity of exporting silver to pay it? The reason for the latter circumstance was, that the manufacturers did not sufficiently study the tastes of the natives. If they were to send out their agents to India to study the taste of the people and cater accordingly, they would find a more extensive market. The question of the evening, however, was, how it happened that cotton was the only article which could not be got in sufficient quantities from India. The hon. Member for Stockport had stated the land tenure as a great impediment to the extension of cotton cultivation; but why did that apply to cotton only, and not prevent the production of indigo? [Mr. J. B. SMITH: Because indigo is grown where the land is held on the more permanent tenure.] The hon. Gentleman had fallen into the trap, and said, that the growth of indigo in Bengal was so large, because of the more permanent tenure of land in that presidency; but the fact was, that a larger increase in the growth of indigo had taken place in Madras, where the ryotwaree system of land revenue prevails, than in Bengal. He (Mr. Mangles) had a letter from an extensive grower in Madras, in which he stated, that since his first establishment in India, the production of indigo in that Presidency had increased from 5,000 to 20,000 chests, weighing 250lb. each. That gentleman exported about 350 chests of indigo and 5,000 tons of sugar yearly, but he did not cultivate the land himself, finding it more profitable to buy of the distressed and degraded ryots, as they were called. The tenure of land which had been so much talked of, was by no means so simple a question as some hon. Gentlemen imagined it to be. High authorities had held, and among them the late Mr. James Mill, and his still more eminent son, Mr. J. S. Mill, that the land assessment was not a tax at all. The hon. Gentleman who moved the Resolution said, that the Indian Government claimed to be the owners of all the land in that country; but such was not the case. The truth was that a great proportion of the rent of land in India had ever been set apart for Government uses, and to give up the assessment in favour of the occupiers of land would render it necessary to inflict taxation upon the shopkeepers and artisans. The hon. Gentleman had attacked the land survey which it was intended to introduce into Madras; but Mr. Mackay, the commissioner of the Manchester manufacturers, spoke highly of the effects of the same survey in the districts of Bombay, saying that it had conferred great benefits upon the ryots. It was the same kind of survey which it was proposed to introduce into Madras, and he had no doubt that it would prove equally advantageous to the people there. And here he would say, that while he was regardless of the hon. Gentleman's strictures on himself, his blood boiled at hearing the attacks made on public servants in India, whose devotion to the discharge of their onerous duties was not exceeded by that of any servant of the Crown at home or in the Colonies. These men were earnestly labouring for the benefit alike of the Government and people of India, while their conduct was made the subject of unjust criticism by English gentlemen sitting at ease at home. Before the Cotton Committee he (Mr. Mangles) made a clean breast of it. Even Mr. John Bright praised his conduct. He admitted in his evidence before that Committee that in times gone by the Government had not done its duty, but a new era had arrived. The neglect of former years was not now chargeable against the Government of India. The House was aware of the fact that the Government had pledged itself to pay interest varying from 4½ to 5 per cent upon a capital of £30,000,000 for the construction of railroads in India, and had ordered the making of roads from all sides of the country to the several stations, for the purpose of bringing the produce of the country to the railways. To the hon. Member for Stockport, who spoke of the Ganges canal, nearly 900 miles in length, as a local work, 3,400 miles of railroad would appear but a trifling affair; but such, he thought, would not be the opinion of the House. It was said, however, that the railways were being made for political or military, not for commercial, purposes. Now, he held in his hand a map of India showing the districts in which cotton was grown, and any hon. Gentleman who chose might see that the railways now in course of construction under the guarantee of the Government passed through every one of those districts with a single exception. And that exception was a peninsula—almost an island, — well supplied with seaports. At the rates which now existed upon the Madras Railway one pound of cotton might be conveyed from Nagpore to Madras, a distance of 450 miles, for about three-fifths of a farthing—a fact which, he thought, would satisfy the economical mind of the hon. Member for Stockport. He now came to works of irrigation. The statement of the hon. Member upon that head was, first, that the native works had been abandoned; and, secondly, that the Government had contented itself with making the Ganges canal. But the fact was not so, for besides the Ganges canal, 810 miles in length, and which of itself alone was a more important and larger undertaking than any other similar work to be found in the world, the Government had constructed the Jumna canal, which watered a very extensive tract of country, and many other canals in the North-western Provinces and the Punjab. Lieutenant Colonel Baird Smith, who was sent down from Madras to report on the works of irrigation in that Presidency, said the projects either actually effected, or in progress of execution, affected territories containing in the aggregate 20,000 square miles and 4,000,000 inhabitants. Could it in fairness be said that the native works at all approached these undertakings? And he must say, that after such results it was too bad for the East India Company to be told that they were so stupid as not to know how to manage their own business, until taught by hon. Gentlemen from Stockport and Manchester. The first cause why they did not get cotton from India was the lowness of price. As long as there were good harvests in America there was no demand upon India, and the manufacturers of this country were satisfied with the few thousand bales which were imported annually from the latter country. But when there occurred a bad harvest in America, and the price of cotton was high, the manfacturers most unreasonably turned round and asked where was the cotton of India? How should the people of India have grown cotton in anticipation of a demand which might take place once in five or ten years? At the same time there were an enormous production and an enormous consumption of cotton in India. But the cotton was grown mainly for home manufacture. It was true that to a certain extent the spinning jennies of Lancashire had put down the manufacture of cotton fabrics in India. But no machinery could ever put down the domestic manufacture, which cost nothing, because the manufacture was carried on at leisure times by the ryot himself and by his wife and children. The contrast between what was done in America and what was done in India was fallacious, if no allowance were made for the energy of the Anglo-Saxon and the apathy of the Indian character. If the natives of India had been a vigorous and energetic race we should never have been masters of the country; and as long as they were what they were they would not study the price currents of Liverpool nor the exports of America. He admitted that the roads had something to do with the price, but when railways were carried down to the wharves, there would be no case at all against the Indian Government. There was also the question of energy and the question of honesty. The Indian people had not energy and they had not honesty, and the men of Manchester should supply those qualities. Indigo was an indigenous production, and from the increase in the production of that article might be seen the effect of a continuous demand without any artificial stimulus. In 1785, England only imported 2,000,000 lbs., and India supplied only 500,000 lbs. European energy and industry were applied to the manufacture of the article, and India had now almost a monopoly of the trade, applying no less than 20,000,000 lbs. annually. The hon. Gentleman had referred to the success of Mr. Landon, but the hon. Gentleman was so simple as not to see that what Mr. Landon had done any Englishman of equal energy and perseverance might have effected also. By Mr. Mackay's evidence it appeared that the frauds in picking and packing cotton in India were of themselves sufficient to account for our not receiving a larger quantity. Let the gentlemen of Manchester send trustworthy agents to settle in the heart of the cotton districts, with money to advance to the ryots, and machinery for preparing cotton for the market so that it might not have to be unpacked; they would then have no difficulty in getting any amount of cotton from India which they might require. But so long as they remained at Manchester praying to Hercules to help them out of the ruts, alternately abusing and advising the East India Company, and asking them to clean their cotton for them, they would be spending their energy in the wrong direction. The East India Company were doing all that men could do to develope the resources of India. They were pressing on the railways with vigour, and the main impediment to their being finished was the impossibility of finding the means of conveying rails and locomotives fast enough, for each ship would of course only take a limited quantity of such metal dead-weight. The cultivation of cotton in India was, no doubt, a national object, but do not let the gentlemen of Manchester ask the East India Company to do for them what they ought to do for themselves, or to interfere, as no Government ought to do, between the growers and exporters of cotton. That day was the hundredth anniversary of the battle of Plassey, by which Clive laid the foundation of our ascendancy in India. In estimating the results of the East India Company's government during the last hundred years he trusted the House would take into account the great impediments which the Government of such a country had had to encounter, peopled as it was by nations who had been slaves for centuries, debased by dark superstitions, and the slaves of caste, that worst description of slavery. The East India Company were obliged to keep up an enormous military establishment, and a large portion of their revenue necessarily went in giving high salaries for efficient European agents. He entreated hon. Members opposite (Mr. Mangles spoke from the front Opposition bench) not to believe that those who voted with them on all other Liberal questions were, as soon as they had anything to do with the Government of India, transformed not only into tyrants, but into the most foolish and stupid of tyrants, as some hon. Friends of his would try to lead the House to believe.

Lord STANLEY said, that the hon. Member who had just sat down, had concluded his address by saying that this was the hundreth anniversary of the battle of Plassey, but he (Lord Stanley) confessed he did not exactly see how it followed as a logical consequence that because one hundred years ago a great victory was won in India by one member of the Indian Civil Service it was the duty of another member of that service to set himself to oppose the development of the internal resources of India. The hon. Gentleman (Mr. Mangles) had taunted the gentlemen of Manchester with asking the Government of India to help them out of a difficulty which they ought to remove themselves. But the Government of India being the landlords and receiving the rent of the soil under the name of land-tax, were bound to take upon themselves those works of improvement which in other countries were executed by individual landlords. What was asked of the Company was not to give an artificial stimulus to the culture of cotton by any means whatever, but to remove impediments which now stood in the way of that culture in the shape of bad roads or want of roads. Did the hon. Gentleman mean that it was the duty of Manchester to make roads in India? The hon. Gentleman had employed an argument, which he (Lord Stanley) had heard frequently elsewhere, and had told the House that the real drawback to an increased cultivation of cotton in India was the absence of a sufficiently continuous demand. But why did not the hon. Member state the reason for the absence of this demand? It was this. India was available as a cotton-market in time of extreme scarcity, because in those times, and then alone, the high price enabled the Indian cultivator to overcome the artificial obstacles in his way. But the Indian Government had no right to take advantage of its own wrong. There would be a continuous demand for Indian cotton if it were grown in districts so open to the seaboard that there was a possibility of carrying the cotton at a sufficiently low rate to enable it to compete with American cotton in the ordinary state of the market. The hon. Member had said that there was a great deal more cotton grown in India than was sent to this country, and that the natives preferred to manufacture it for their own use. A great deal of cotton might be worked up for consumption on the spot, but it did not follow that it was more economical to do so. No doubt, the cost of freight was an important element, but the cost of sending the raw material half over the globe might be more than balanced by the greater economy of English manufacture. A hundred instances could be found in the history of commerce where this course of dealing was pursued to the advantage of both parties engaged in it. It used to be matter of ridicule against California, as it was now against the South American States, that they sent their raw hides to the United States, there to be manufactured and reimported into those countries as shoes. That may have shown a want of enterprise on the part of South America; but it did not follow that that double voyage was not more economical for all parties. The hon. Member (Mr. Mangles) used another argument which also seemed to make against his case—he asked the House to look at the development of the culture of indigo in Bengal as a proof that the East India Company's government had not hindered commercial enterprize in India. But what if it were shown that the success of one kind of culture and the failure of another, were due to their being differently circumstanced in the very respect complained of? The difference between the two was this—that the cotton-growing districts, though perhaps not situated further in the interior than the indigo plantations, were yet far less accessible from the want of internal communication: while, from the infinitely greater value of indigo in proportion to its bulk, the cost of conveyance even by the slowest means over the worst roads, formed a far less deduction from the profits of the grower. With regard to works of irrigation, the hon. Gentleman appeared to think great injustice had been done to the Indian Government by the assertion that it had not equalled the enterprise of various Native rulers. Without depreciating the value of the Ganges canal, and other works of a similar character though of less extent, which had been undertaken by the Government of India, looking at the condition of the native States when they passed into our hands, examining the works that existed there, estimating, also, the proportion those works bore to the resources and population of those States, and contrasting all this with the power which our Government now had, with the present population, and with the superior industrial appliances at their command, he was much mistaken if, on such a comparison, made in a dispassionate spirit, it were not found that many dynasties, which are justly termed barbarous, had, in ages long gone by, provided far better than we now did for the material wants of their subjects. He would mention a single example of this which came under his own observation. Mysore passed under British dominion within the memory of the present generation. It comprised an area of 36,000 square miles, and he could state from official information obtained by him on the spot, that it contained no fewer than 27,000 tanks, many of which were of large extent; the general result being that not less than one-twentieth of the entire surface of the province was under water for the purposes of irrigation. In no part of India had a provision to anything like that extent been made by our Government. The instance he had quoted came actually under his own eyes: but he might mention another, drawn not from an historical but a pre-historical period. The greater part of the northern districts of Ceylon were at present inhabited by a scanty population, and many tracts of country lay entirely waste. Sir E. Tennent, who formerly held an official position in that island, and had travelled through it, stated, in a book which he had published, that he saw the remains of various tanks or artificial lakes, about thirty of which were of large size; and that one which he examined, and which was not the largest, must have measured, when in a perfect state, something like ten miles in one direction, and twelve in another. Of course individual instances proved nothing; and without a detailed comparison, which it was certainly difficult now to institute with accuracy, it was impossible to say how the case stood between native Governments and our own; he thought, however, he had stated enough to throw doubt on the justice of our claims to superiority in this respect. With respect to railroads, the hon. Gentleman admitted the truth of a great deal that had been charged against the Government of India. He did not pretend that this species of communication had been opened to anything like the extent that was desired, but he assured them that it would be so some day or other. He told them to look at the map and they would see the railways that had been—made? No, but planned and laid down on paper. Why it was an easy thing to draw a red line on a map and take credit for that as for a work of improvement in progress. But the question was, would these lines be executed, and, if so, when? Time was an element in matters of this kind which they were too apt to neglect. In making railroads in India they followed too much the English practice. Not that the works were not admirable in construction and perfect in execution, if high speed were the chief object, but their scale and expense were such that the resources of the Indian Government would not suffice to complete them within any moderate period. It was the opinion of many eminent practical men that the precedent of the English railways did not apply to a country situated like India. In England, before a single mile of railway was laid down, we had a most complete system of canal communication, which practically sufficed for the carriage of heavy goods. The railroads came in to supplement the canals, not to supersede them. In India, on the other hand, the state of things was rather that which existed a few years ago in the United States, where the railway did not supersede the canal, but was the first and only communication introduced. It was, therefore, clearly the policy of those who planned the lines in the United States to execute them at the lowest possible cost, to treat with comparative indifference the question of speed, and to press forward the completion of the works with the utmost despatch, even though they should be finished in a comparatively rough and clumsy manner. Thus they would be opened for slow and heavy traffic at the earliest practicable period. The principle which was found adapted to the case of the United States was far more suitable to India, because the interest of money was greater in the latter instance than in the former, and the outlay upon unfinished works therefore constituted a heavier burden upon the projectors. The hon. Gentleman had placed the House in a dilemma by requiring them to affirm that the Government of India was either very dishonest or very foolish. Now, he (Lord Stanley) was not prepared to endorse either of these charges. He did not accuse the Indian Government of being interested in opposing the opening of railway communication in that country; but, owing to their peculiar position, they required a good deal of propulsion from without to make them carry on their works with due zeal and energy. The question was not so much what order should be sent out by the President of the Board of Control, or by that body which the hon. Gentleman represented, as what was the feeling of the local authorities on this subject. The Indian official in charge of a district—than whom there could scarcely be a more hard-working person—was entrusted with a sufficient amount of duty to fill up any one man's whole time. A vast area was confided to his sole care, and the climate after long residence was unfavourable to continued energy on the part of Europeans. He was expected to report frequently, and sometimes in unnecessary detail, to the authorities at Calcutta, which occupied much of his time, and, above all, his connection with the country which he governed was official and official only. An officer so situated might not fail in discharging his functions, but it was clear he had no strong motive urging him to go beyond the strict line of his duty. He had spoken of official persons and it must be remembered that the Indian public was almost exclusively official; it consisted of military men, whose feelings, perhaps, lay in a different direction from the promotion of industrial improvements, and of civilians who had no strong personal incentive to take up subjects of this nature. He omitted the native population when speaking of the Indian public, because their voice scarcely ever reached this country or influenced the policy of the Government. The result of that absence of an influential public opinion, independent of the governing class, was seen in the constant and notorious tendency in the Indian Government to quarrel with its neighbours, which quarrels invariably exhausted funds that might otherwise have been devoted to the improvement of the country. Nothing could keep an Indian Governor General quiet except a deficit, and even that would not always do it. The public in India consisted of civilians and the military. The civilians foresaw an extension of patronage in every new annexation, and both they and the military were flattered by prospects of the extension of the power of this country. Even the missionary interest, he believed, was not hostile to what might enable it to propagate, under British protection, its opinions in a new district. And so it happened that whenever there was any prospect of a dispute it was almost certain that all parties would be in favour of a warlike policy.

He did not say that from theory only. He was in India at the time that the second Burmese war broke out. He was not about to criticise the policy of that war, but this he would say, that before it was competent for any man to have formed an unbiassed opinion upon the dispute between the Indian and the Burmese Governments, before any certain or authentic information had been or could be received, there was throughout the country a cry taken up by every class of Europeans, without arguing, without hesitation, and without reflection, in favour of going to war. He mentioned that fact because the same causes still existed, and were likely to exist for a long period, why we need not hope that the surplus revenue of India would be applied to the development of its resources. If we were to wait until India applied her revenue to works of internal improvement we might have to wait for a long time. These works should be undertaken without regard to the question of surplus or deficit, for looking at the question in a merely financial point of view the cost to India of delay will be much greater than if they were carried out at once. He would go into no further details. He had risen simply to meet the defence of the hon. Member for Guildford by a reference to the real facts of the case. At this moment we had a demand for cotton which exceeded the supply. During the last ten or twelve years our productive powers with respect to the cotton manufacture had increased 40 per cent, and there was no reason to suppose that either those powers or the demands of foreign countries for our produce would diminish; on the contrary, they were likely to increase. Although the cost of cotton was now double what it was a few years ago, the cotton manufacture in this country had increased to an unprecedented extent, and the difference in price had caused a loss to the community of £16,000,000 or £17,000,000 a year. No fact could be stated more significant than that, and it could therefore hardly be disputed that the Indian Government, which was, in fact, the landlord of the soil of India, ought to exert itself to the utmost to promote the growth of cotton in India, in order that the constantly augmenting demands for our cotton manufactures might be amply supplied.

Mr. DANBY SEYMOUR said, that it was impossible to exaggerate the importance of the question, and that if the Indian Government had been guilty of any defects in developing the resources of India the House would have been entitled to interfere; but the speeches that he had heard that evening scarcely touched that point. It was some years since he had the honour of co-operating with his hon. Friend the Member for Stockport on Indian topics, but he begged to remind his hon. Friend that his remarks that evening applied rather to a state of things which existed several years ago than to the present state of India. His hon. Friend had quoted from documents which related to the period anterior to the commencement of what he might call that great era in Indian history which dated from the grant of the charter of 1853. His right hon. Friend the President of the Board of Control had endeavoured this Session, by laying on the table various despatches which had been sent to India during the last few years, to show the House what had been recently done in that country with respect to public works. He (Mr. D. Seymour) did not mean to say that the British Government had till lately executed public works in India at all equal to those which former Governments had executed with much smaller means; but when the British Government became aware of the facts they resolved to make amends. His right hon. Friend the First Lord of the Admiralty introduced, while President of the Board of Control, a new system with regard to public works in India, by which many of the suggestions of Mr. Bright were carried into effect. In each of the Presidencies a Commissioner of Public Works had been appointed, and each year those Commissioners sent to the Government of India a list of such works of irrigation, &c., as they thought necessary. The amount expended during the last two years on public works was nearly £3,000,000, being about one-eighth of the whole revenue of the country, and he ventured to say that that was as much as any Government in any country had ever done. The noble Lord who had just sat down had discussed the question whether railroads in India should be of a solid, permanent character, like those constructed in England, or temporary, like those in America, which were constantly requiring large outlays for repairs, and which, without such outlays, soon became only fit for tram-roads. But putting that aside, the Indian Government had resolved that the wisest plan was to make solid, although expensive railroads, such as those in England, which would last one hundred years, as they believed that in the end that would prove to be the truest economy. That was the plan that had been adopted in Austria, Russia, and, in short, every European country that had sufficient capital. He also had to remind hon. Members that railways in India were made by means of foreign, not Indian capital. As to the question before the House, he had to remind them that the cotton trade had sprung up within the last seventy years, and great pains were at first required in order to grow cotton in America. It was not an indigenous plant there, and some time elapsed before those varieties could be discovered which were best adapted to the American climate. There was a Report of M. de Maurepas in the French archives as to the advantages of growing cotton in Louisiana, and when at that period, not more than seventy years ago, eight bales were entered at the custom as the produce of that country, it was rejected as being more than America could produce. The present immense growth of cotton in America was the result of that same diligence and labour which had raised up the cotton manufacture in this country, and the same means adopted in India would produce the same result. There was no difficulty in growing cotton in India. The soil was suitable and the people were industrious; the chief obstacle lay in their poverty. When capital was forthcoming, and as the intelligence and education of the people increased, they would be able to manure their land more, to raise better sorts of cotton, and would come forward to improve the communications, which at present impeded the carriage of cotton to the coast. Upon what ground was the House called upon to exercise Parliamentary interference? Not one word had been uttered during the discussion which showed the necessity of such interference. On the contrary, every thing that had been said referred to a previous period, while what was doing now appeared to be ignored. The only suggestions offered referred to the sale of the land in fee simple and to the making of roads. Upon roads, however, the Indian Government were laying out £3,000,000, besides the expenditure upon railways; and he did not see how they would be justified in laying out a larger sum. With regard to the tenure of the land, that was a most difficult question. There were persons who considered with Mr. Mill that the state was entitled to the increased produce of the land, and Mr. Mill would consistently apply the same principle to England. On the other hand, the principle of selling the fee simple outright existed in some of the most advanced and prosperous countries of the world. He was not, however, at that hour of the night going to enter into the question of the land tenure of India. He had heard of the formation of cotton companies, but no gentleman had come forward and said, "We will endeavour to grow cotton in India if you will let us try the experiment upon a tract of country." The Government, he was persuaded, would not be indisposed to aid the experiment by allowing British planters to be located in India, and they would be only too happy if such an experiment succeeded. Good roads, capital, with European superintendence, were the requisites needed, and if these were forthcoming there need be no fear respecting the growth of cotton in India. Meanwhile, if the only suggestions which could be offered were those he had noticed, he thought, as the Government had done all they could do, it was very hard that this House should condemn them without making out any good case for so doing. He should, therefore, conclude by moving the previous question.

Whereupon *Previous Question* proposed, "That that Question be now put."

SIR ERSKINE PERRY moved the adjournment of the debate.

MR. VERNON SMITH said, that, considering the importance of the subject, the Government would not oppose the Motion for adjournment.

Debate *adjourned* till *Tuesday* next.

INSPECTORS OF TAXES (SCOTLAND).

MOTION.

MR. BLACK said, that, in accordance with the notice which stood upon the paper in his name, he rose to move the following Resolution:—

> "That it is the opinion of this House that the Salaries of the Scotch Inspectors and Surveyors of Taxes are inadequate for the duties they have to discharge, and as these duties are not less onerous than those performed by the same officers in England, that the remuneration for their services should be placed on the same scale as those of England and Ireland."

He wished to point out to the House the difference which existed in individual cases between the salaries paid to surveyors in Scotland, as compared with those which persons occupying similar situations received in England, as he could see no good reason why officers acting under the same Board, administering the same law, and with precisely the same responsibility, should, in the case of Scotland, be remunerated for their services upon a scale so much lower than that which prevailed in this country.

Mr. WILSON said, it was not a convenient course to discuss in that House the question of the salaries of these officers. He felt assured that if the Commissioners of Inland Revenue, who had carefully considered the relative duties to be performed by the various revenue officers throughout the United Kingdom, had been of opinion that the salaries which the Scotch surveyors received were disproportionate to the duties which they had to perform, they would have long since brought the subject under the notice of the Treasury. Be that as it might, however, he ventured to express a hope that that House would not be induced, without some strong cause shown, to undertake those functions which obviously belonged to the heads of the various departments employed in the collection of the public revenue; for if it were once to interfere in the regulation of the salaries and promotion of the revenue officers, there would be no end to the pressure which would be brought to bear upon hon. Members from all quarters. The proper course for the Scotch surveyors to pursue, if they felt they were labouring under a grievance, would be to address the Treasury through the heads of their respective departments, or to lay their case before the Commissioners themselves, who, if they thought proper, might make a recommendation upon the subject to the Treasury.

Mr. KINNAIRD said, that the answer of the hon. Gentleman was not satisfactory. The duties discharged by the Scotch surveyors of taxes were most admirably performed, and it became, therefore, a question well worthy of consideration, whether, by reducing the salaries of the English surveyors to the same scale, a large saving in the public expenditure might not, without any decrease of efficiency, be effected.

Mr. CRAUFURD said, he should support the Motion, in the hope that the subject to which it referred would receive the attention of the Commissioners.

Mr. Black

Colonel SYKES said, that the principle laid down by the Secretary of the Treasury, if carried to its full extent, would deter public servants from addressing the House upon any grievances of which they had to complain; but the hon. Gentleman was quite right in stating that they should appeal to the Commissioners in the first instance. Under the circumstances, he advised his hon. Friend the Member for Edinburgh to withdraw his Motion.

Mr. BLACK said, that perhaps hon. Gentlemen did not sufficiently understand the position of these Gentlemen. They were unwilling to complain to the Commissioners, as the consequence would be that they would be dismissed the service and reduced to destitution.

Motion *negatived.*

EVIDENCE UPON OATH (HOUSE OF COMMONS)—BILL.

LEAVE. FIRST READING.

Mr. WARREN said, he rose to move for leave to bring in a Bill to empower the House of Commons and its Committees to take evidence upon oath. He did not anticipate that the Motion would meet with any opposition. The power with which the Bill would invest the House was already enjoyed by the Lords, and it was naturally a subject of surprise that it had not yet been extended to the Commons. Moreover, the necessity for the Bill was abundantly evident from the difference in the manner of giving evidence before Committees of the House of Lords and the House of Commons.

Viscount PALMERSTON said, that it was not the intention of the Government to offer any opposition to the Motion, but he remarked that it was a subject of some importance, and not rashly to be decided on.

Mr. PEASE said, he must object to the introduction of the Bill, the policy of which he considered more than doubtful.

Mr. HADFIELD said, that the cause of truth would be best advanced by abstaining from requiring evidence to be taken on oath.

Leave given.

Bill *ordered* to be brought in by Mr. Warren, the Marquess of Blandford, and Mr. Edward Egerton.

Bill read 1°.

HIGHWAYS BILL.

BILL WITHDRAWN.

Order for Second Reading read.

Mr. MASSEY said, he rose to move that this Bill be discharged. It was, however, his intention to bring it into Parliament early next Session.

Sir WILLIAM JOLLIFFE observed, that he regretted very much that the Bill had not first been allowed to go to a second reading and be reprinted, because legislation on the subject was most urgent. At the same time he considered it would be almost impossible that a Bill of this kind could pass unless the law on the question was consolidated. He hoped that next Session the hon. Gentleman would bring in a Bill to repeal the whole of the existing laws.

Order *discharged;* Bill *withdrawn.*

House adjourned at half-after One o'clock.

HOUSE OF COMMONS,

Wednesday, June 24, 1857.

Minutes.] Public Bills.—2° Consolidated Fund (£8,000,000); Hanley Borough Incorporation.

JUDGMENTS EXECUTION BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause Seven:—Amendment again proposed, to add at the end of the clause the words "and may set aside, satisfy, or otherwise deal with it accordingly."

Question again proposed, "That those words be there added."

Colonel FRENCH said, he would appeal to the hon. and learned Member for Ayr (Mr. Craufurd) to postpone the Committee until after the other orders of the day. A large number of Irish Members who took an interest in this Bill were at present at Cambridge House upon a deputation to Lord Palmerston on the subject of tenant right, and it would scarcely be fair to proceed with the Bill in their absence. He moved that the Chairman report progress and ask leave to sit again.

Mr. CRAUFURD regretted he could not accede to the request of his hon. Friend, since the passing of the Bill might thereby be endangered.

Mr. AYRTON said, there was no Member on the Treasury bench to throw light on the important question which this Bill raised. This, he thought, was an additional reason for postponement.

Motion made, and Question put, "That the Chairman do report progress and ask leave to sit again."

The Committee *divided:*—Ayes 31; Noes 93: Majority 62.

Question again proposed.

Mr. STAFFORD said, he must express his regret that none of the law officers of the Crown were in their places. In their absence he thought the Government could hardly wish to proceed with a Bill of this importance.

Mr. MASSEY (who at this moment was the only occupant of the Ministerial benches) observed, that the principle and the details of the measure had been over and over again considered by this House, and if at this time hon. Members were so little acquainted with those details as to require the attendance of the law officers of the Crown, in order to explain them, he should despair of making much progress. He trusted, therefore, that the Committee would proceed with the Bill.

Mr. NAPIER said, he wanted to know if the Government had adopted the Bill as it stood, because in this case he should be prepared to show that it would prove wholly unworkable in Ireland. In the absence of the law officers of the Crown, however, he thought the Committee were but wasting time by entering into a discussion of the details. As to himself, he had no desire to obstruct the progress of the Bill, but he wished to put it into a form in which it would work.

Mr. DEASY said, that he also quite concurred in the principle of the measure, and was only anxious to render the Bill as perfect as possible. He, therefore, regretted that none of the law officers of the Crown were present to assist the Committee.

Mr. MASSEY said, the Attorney Generals for England and Ireland had sat on the Committee to which the Bill had been referred, and the latter hon. and learned Gentleman had been present at the discussion on the first clause.

Mr. SEYMOUR FITZGERALD said, it had already been announced, upon high authority, that this Bill would throw the law of Ireland into great confusion. He found also that there were notices of no less than forty Amendments on the paper. Were the Committee to reject or adopt them, without being informed by the proper authority of their probable effect? It was preposterous, therefore, that they should proceed in the absence of the law officers of the Crown. He hoped that the Bill would be postponed until the Attorney General for Ireland at least was in his place.

Mr. M'MAHON said, he also would urge that the further consideration of the Bill be postponed. He also wished to remark, that when the Bill was under consideration last Session, the Attorney General for Ireland proposed an Amendment, which was carried. The promoter of the Bill then said he should withdraw it, to enable him to consider the effect of the Amendment. On the first night of the Session the hon. Gentleman re-introduced the measure, announcing that he had adopted the Amendment of the Attorney General; and yet, when they came to examine the Bill, they found that the Amendment only applied to Ireland, and not to Scotland. The Amendment was to the effect, that a copy of the judgment sought to be put in force, and not an extract therefrom, should be placed before the Court.

An Hon. Member wished to ask the legal meaning of the word "extract."

The LORD ADVOCATE explained that the word "extract" meant, in the legal phraseology of Scotland, a copy, the extraction implied by the term being an extraction from the office, and not from the document.

Mr. AYRTON said, that the effect of the Bill as it now stood would be, that a party could bring a writ of error in one country to reverse proceedings taken in another.

Mr. BLAND said, the question just raised by the hon. Member for the Tower Hamlets (Mr. Ayrton) was most important. He (Mr. Bland) was certainly surprised to hear that the word "extract" meant a whole copy. He thought that they should not proceed with this Bill till the phraseology of the Scotch courts was made somewhat more similar than it now was to that of England and Ireland. Certainly, he could not consent to its being proceeded with in the absence of the Attorney General for Ireland.

Colonel FRENCH said, they had already wasted an hour and a half in the attempt of the hon. and learned Gentleman (Mr. Craufurd) to force this Bill down their throats. He assured the hon. and learned Member, however, that the attempt would not be successful, whether he was backed by the influence of the Government or not.

Mr. M'MAHON cited some old Acts of Parliament to prove that "extract" did not mean "a copy."

Mr. PACKE said, he thought it was very like an act of tyranny for the English and Scotch Members to attempt to force down the throats of the Irish Members a Bill to which they were unanimous in opposition. The absence of the Attorney General for Ireland made it still more unfair to press this Bill against the will of the Irish Members. Under these circumstances, he begged to move that the Chairman do leave the Chair.

Mr. STEUART said, he considered the suggestion of the right hon. Gentleman the Member for the University of Dublin (Mr. Napier) to place judgments under this Bill on the same footing as protested Bills, was a most valuable one. If the hon. Member for Ayr (Mr. Craufurd) would not agree to consider it, he should support the Motion of the hon. Member for Leicestershire (Mr. Packe).

Motion made, and Question put, "That the Chairman do now leave the Chair."

The Committee *divided:* — Ayes 73; Noes 103: Majority 30.

Question again proposed.

Colonel FRENCH said, he thought that the hon. Member for Ayr was not justified in any longer attempting to force his measure through the House when the division that had just taken place showed, notwithstanding all the assistance given to the hon. Member by the Government, so slight a difference between the numbers on each side. He therefore moved that the Chairman should report progress.

Mr. GRIFFITH begged to say that the defeat of the Amendment of the hon. Member for Leicestershire was not entirely owing to the opposition of Her Majesty's Government and their supporters. Many independent Members on his (Mr. Griffith's) side of the House had voted against the Amendment.

The SOLICITOR GENERAL said, that the Irish Members were agreed as to the principle of the Bill, but that the differences were principally with respect to matters of detail. He suggested that if the Amendment proposed by the hon. and learned Member for Cork (Mr. Deasy) was adopted it would remove many objections. Some Irish Members opposed the Bill because they considered it a step towards amalgamating the judicature of the two countries. In his opinion, such an amalgamation would be most unwise, and if he believed the Bill to have the slightest tendency that way he would oppose it. He, therefore, hoped that the hon. and gallant Gentleman would not press his Motion.

Mr. M'MAHON said, he was willing to withdraw all opposition to the Bill, if the clauses placing Scotch decreets on the same footing with judgments of the English and Irish Courts were struck out. He had not the slightest objection, but the contrary, to assimilate in all respects the proceedings of the English and Irish Courts of Law; but it was quite another matter to assimilate the Scotch proceedings, which were so dissimilar—in fact, in many respects so opposed to those of England and Ireland.

Mr. AYRTON thought, that after the statement of the hon. and learned Gentleman, some course might be pursued of a more satisfactory character than that of reporting progress. He would suggest that the objectionable clauses of the Bill be allowed to go through Committee *pro formâ* with a view to their being printed with the Amendments, and that the Amendments be discussed on the next stage of the measure.

Mr. P. O'BRIEN said, the learned Solicitor General was much mistaken in supposing that almost the whole of the Irish Members were in favour of the principles of the Bill. The only Irish Member in the last Parliament who supported the Bill lost his seat in consequence of that support.

The SOLICITOR GENERAL admitted that it would be an advantage if the practice of edictal citation were expunged from the Scotch law, as it was unknown to that of England. But as the clause in the Bill for enforcing Scotch decreets in Ireland was to be guarded against being applied in such cases, he did not think it necessary that the Bill should be re-committed.

Sir ERSKINE PERRY said, that seeing the determined opposition offered to the Bill, he recommended the hon. Member for Ayr to press it no further, to rest satisfied with having obtained the assent of the House to its general principle, and to throw on the Government the responsibility of bringing it forward as a Government measure. It was utterly impossible for any mere private Member to carry a Bill, however good, through the House if a large proportion of hon. Members were opposed to it. His judicial experience in India satisfied him that the principle of the Bill was sound. He hoped that the Chairman might be allowed to report progress, in order that no more time might be wasted in fruitless discussion.

Mr. M'MAHON said, that the opposition to the Bill was directed against its principles quite as much as its details. He also denied that his constituents were at all interested in the opposition to the Bill. It was true that Wexford had a large trade with Glasgow, but he believed that the balance was in favour of Wexford. He opposed the Bill simply on the ground that it was a violation of the fundamental principles of English law. If the Government were anxious for any real reform why did they not attempt to improve the Scotch law.

Motion made, and Question put, "That the Chairman do report progress and ask leave to sit again."

The Committee *divided*:—Ayes 50; Noes 141: Majority 91.

Question again proposed,

Mr. BLAND said, that as a question might arise as to which Court should have jurisdiction in the matter of these judgments, he thought it would be better to express clearly that the Court in which the judgment was to be registered, and out of which execution was intended to be issued, should have the jurisdiction over the question, not only in points which might arise subsequent to the execution, but also as to the question whether the judgment had been obtained by fraud or not. The hon. Member then proposed an Amendment to that effect.

The SOLICITOR GENERAL said, he did not think the Amendment necessary, but he would not object to it.

Clause, as amended, *agreed to.*

Clause 8.

Colonel FRENCH hoped that the Committee, now that it had devoted nearly three hours to Scotch law without any prospect of arriving at a useful result, would proceed to the other business on the paper. He moved that the Chairman report progress.

Mr. AYRTON said, he wished to repeat his former suggestion that the clauses should now be gone through, *pro formâ*, in order that further discussion should be postponed till the bringing up of the report.

The LORD ADVOCATE said, that he approved the solution indicated by the hon. Member for the Tower Hamlets, and would promise that if the Bill were passed through Committee *pro formâ*, he and his learned Friends connected with the Government would, in the interval previous to the bringing up of the Report, confer with the author of the Bill to see whether such Amendments might not be made in the details of the measure as would obviate the objections taken to it.

Mr. P. O'BRIEN remarked, that he hoped the Report would not be brought up when the Irish Members were obliged to absent themselves from the House in order to attend the assizes.

Mr. CRAUFURD observed he had no wish to steal a march upon the Irish Members.

Mr. SPOONER said, he was afraid the Bill would give rise to collusive judgments, but thought it would be better, under the circumstances, to throw the responsibility of amending it upon the Government.

Mr. GROGAN would recommend that, as the assizes would commence very shortly, and last for about six weeks, the measure should be suspended for the present Session.

Mr. CRAUFURD proposed to fix the Report for Monday.

Mr. M'CANN said, that while reserving his right to offer a strenuous opposition to the Bill, he would advise the withdrawal of the Motion for reporting progress, seeing that the Government were virtually about to take charge of the measure.

The SOLICITOR GENERAL said, he should be sorry if the Amendment were withdrawn under any misconception as to the intentions of the Government. The pledge given by the Lord Advocate amounted to this, that the law officers of the Crown would render their best assistance to the hon. Member for Ayr in endeavouring to devise such Amendments as might carry out the views expressed on both sides during that day's discussion. It ought, however, to be distinctly understood that the Government would not thereby adopt this Bill as their own.

Sir ERSKINE PERRY observed, that he thought the course recommended by the Lord Advocate a judicious one. It would practically be equivalent to postponing legislation on this subject for another year.

Mr. GROGAN complained that this was one of a series of attempts made, year after year, to force a highly objectionable measure on a reluctant Legislature. Either the Government approved this measure, or they did not. In the former case, they ought to bring in the Bill themselves; in the latter, they ought not to give an ambiguous sanction to tinkering efforts of this kind.

Colonel FRENCH begged leave to withdraw his Motion.

Mr. M'MAHON said, he must refuse to assent to the Bill going through Committee *pro formâ*, unless it was understood that it was to be recommitted.

Mr. HILDYARD said, he feared that if they were to pass *pro formâ* a Bill which contained a number of provisions to which many hon. Members objected, the result would be inextricable confusion. Under the circumstances, he thought that the wisest course would be to abandon all hopes of passing the Bill in the present Session. It was the fashion now to refer almost every measure to next year, and he saw no reason why this should not be added to the long catalogue of Bills which were then to receive the serious consideration of Parliament.

Mr. GROGAN asked the hon. and learned Member for Ayr whether he would give a distinct pledge that if the Bill went through Committee *pro formâ* now it should be recommitted? If he would not do so, he (Mr. Grogan) should appeal to the Government to take that course with the Bill.

The LORD ADVOCATE said that, if it should appear to the Government that the alterations which it would be necessary to make in the Bill, were of such a nature as to require that it should be recommitted, he would, of course, recommend that that step should be adopted; but if the alterations should not be of that description he would not do so.

Mr. M'MAHON said, he saw no prospect of coming to a satisfactory arrangement, and he should therefore go on with his opposition to the Bill. Clause 8 was the one now before the Committee, and he should move as an Amendment that it be struck out.

Mr. CRAUFURD said, this clause, together with the 7th clause, was draughted by the Attorney General for Ireland to obviate the possibility of obtaining collusive judgments, and because it would remove, as that right hon. Gentleman stated, a great objection.

Mr. M'MAHON said, that was only a reason the more why the clause should be struck out of the Bill.

The SOLICITOR GENERAL would support the clause.

Motion made, and Question put, "That Clause Eight stand part of the Bill."

The Committee *divided*:—Ayes 196; Noes 38: Majority 158.

Clause *added*.

Clause 9.

COLONEL FRENCH said, he had foregone his Motion to report progress on the understanding that the Bill should be recommitted; but as the Lord Advocate would not pledge himself to that effect, he (Colonel French) considered that it would be better the Bill should be referred to the Lord Advocate and the Solicitor General for England and the Attorney General for Ireland, as it was originally suggested; and, therefore, under these circumstances, he (Colonel French) would renew the Motion, unless a distinct pledge was given by the Government, and move that the Chairman report progress, and ask leave to sit again.

MR. ADAMS said, he thought it would be better to postpone the Bill for the purpose of permitting other business to go on. There was much that was valuable in the measure, though it was so strongly opposed by Members for Ireland, and he, as an English Member, would suggest that it should be tried in England and Scotland, and that Ireland should at first be excepted from its operation, since, if it were found to work well in the former countries, it might be extended to Ireland in another Session. If the Bill was pressed on, all other business would be suspended in the present temper of hon. Members for Ireland.

MR. M'CANN said, the Bill was said to be intended to make the Irish pay their debts; but he (Mr. M'Cann) contended that they did pay their debts both to their creditors and the Treasury. He was satisfied either to let the Bill go for consideration to the Government, as was suggested, or to adopt the proposition of the hon. Member, and let its provisions be applied to England alone.

MR. AYRTON hoped the hon. Member for Ayr would give way, as the question of time was so decidedly against him. The Committee had been four hours debating, and no advance had been made with the Bill.

MR. BLAND said, he thought the compromise of the hon. Member for Roscommon ought to be adopted, and he considered it would be no great misfortune if the Bill was postponed until next Session.

MR. GRIFFITH said, he thought the proposition of the Irish Members was a reasonable one, and ought to be accepted.

MR. GROGAN said, the hon. Member had pressed on his Bill year after year, and each Session the objectionable clauses were eliminated. The Bill was then before the House for the fifth or sixth time, and yet no progress had been made with it. The Irish Members, in order to avoid factious opposition, had acceded to a compromise to refer the Bill to a conclave; but this consent having been obtained an attempt was made to steal a march by the promoters of the Bill, and to advance it another stage. By this means the Irish Members were deprived of the opportunity of proposing their Amendments on the 8th clause, which had slipped through the Committee in consequence of this arrangement. It was, therefore, incumbent on the Irish Members to take the course proposed by the hon. Member for Roscommon, which was the straightforward and open course.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided*:—Ayes 54; Noes 175: Majority 121.

MR. M'MAHON said, he would propose an Amendment in the ninth clause, with the view of providing that instead of "an extract" of a Scotch decreet the "copy" of the decreet should be required to be filed with the registering officer. The hon. Member contended that by the "extract of a decreet" the Court could know nothing of the merits of the question, and quoted a form of "extract" for the purpose of showing that it afforded no sufficient information. In lieu of the words "extract of a decreet," he proposed, by way of Amendment, to insert the words, "authenticated copy of a decreet."

MR. MALINS advised the promoters of the Bill to accede to the Amendment, in order to save time. He was surprised to have heard all factious opposition to this Bill disclaimed, for he considered the opposition factious after the sense of the House in favour of the Bill had been decidedly ascertained. He must say that the present Amendment had been proposed for factious purposes.

COLONEL FRENCH rose to order.

MR. MALINS said, if the expression were disorderly he would immediately retract it.

Colonel FRENCH appealed to the Chairman of the Committee to declare whether it was not disorderly to impute factious motives to any hon. Member?

The CHAIRMAN said, that he understood the hon. and learned Member retracted the expression.

Mr. MALINS observed that he had done so instantly. He understood that previously to his (Mr. Malins') entering the House the hon. Member, who was not actuated by "factious" motives, read the very documents which he had just now read, in opposition to the present clause, and that a suggestion to make the Bill operative in England and not in Ireland, so that the English Courts would be bound to pay every respect to an Irish judgment, but the Irish Courts would pay no respect to an English judgment, had been thrown out although approved by the Irish Members. He appealed to the House to decide whether, after the House had given a plain and distinct opinion in favour of the Bill, a small minority should be allowed to obstruct its progress by repeated divisions either on mere words or mere forms? He understood that the "extract" was precisely the same as the "copy," and he asked the hon. Member in charge of the Bill to accept the change of words, and so avoid giving trouble to the House and mortification to the hon. and learned proposer of the Amendment, who would otherwise undoubtedly be placed in a miserably small minority.

Mr. HILDYARD said, he had never heard a more extraordinary speech than that of his hon. and learned Friend (Mr. Malins). The hon. and learned Member for Wexford, in the exercise of an undoubted right, proposed the substitution of certain words in the clause. The hon. and learned Gentleman (Mr. Malins) said that if the hon. and learned Member for Wexford pressed his Amendment to a division he would find himself in a "miserable minority," and yet the hon. and learned Gentleman (Mr. Malins) recommended the hon. Member for Ayr (Mr. Craufurd) to accept the Amendment. He (Mr. Hildyard) thought, if there was any waste of the time of the House, it was not attributable to the hon. and learned Gentleman who had moved the Amendment, and he hoped they would hear no more lectures from the hon. and learned Member for Wallingford.

Mr. ADAMS said, that the suggestion he had thrown out was that it would be advisable to except Ireland from the operation of the Bill, considering the unanimous opposition which was offered to it by the Irish Members. He had thrown out this suggestion with perfect good faith.

Mr. GROGAN said, the hon. and learned Member for Wallingford seemed to be exceedingly anxious that this Bill should be disposed of, in order that he might bring on a measure in which he was himself interested.

Mr. MALINS begged to observe that he had said nothing of the kind.

Mr. GROGAN observed that he had not stated that the hon. and learned Member had said so, but he saw that the hon. and learned Gentleman was interested in a Bill which stood lower upon the Notices, and on that account he supposed that he was anxious that this measure should be got rid of as speedily as possible.

Mr. MALINS said, it was true that he felt interested in a Bill which stood for discussion that day, but his only anxiety was to throw it out.

Mr. GROGAN said, that he and many other representatives of Ireland were merely availing themselves of the forms of the House to oppose this Bill; and were the "miserable minority" of Irish Members who would be affected by the measure, and who strongly objected to it, to be prevented from exercising their constitutional privileges?

Colonel FRENCH observed that with reference to the statement of the hon. and learned Member for Wallingford, that the opinion of the majority of the House had been repeatedly given in favour of the Bill, he would beg to remind him that the representatives of Ireland entertained an almost unanimous opinion with regard to this measure, and that they had determined to do everything to prevent it passing into law, and he thought it a matter of complaint that they were outvoted on divisions by hon. Gentlemen who had not heard the discussion, but who rushed from the library and the lobbies to give their votes.

Mr. M'MAHON said, that nothing he had ever done in the House justified the imputation of factious motives. The hon. and learned Member for Wallingford was the last who ought to make such an imputation on him.

Mr. BLAND said, he must protest

against the conduct of the hon. and learned Member for Wallingford. He came down to the consideration of a Bill of which he knew nothing, and made personal imputations, and then, while pretending to withdraw his offensive phrase, repeated it by his tone and manner.

THE SOLICITOR GENERAL said, his hon. Friend had spoken of the unanimity of the Irish Members in protecting the interests of Ireland; but it would appear that they had not only taken the interests of Ireland under their protection, but the interests of England and Scotland also. He (the Solicitor General) had been in the House some hours, and he must say that as yet he had not heard a single tangible objection to the measure; whilst the entire discussion had been totally beside any objection. His hon. Friend the Member for Roscommon (Colonel French) told them that there was a determination on the part of the Irish Members to throw out the Bill; but whether that determination was carried out or not, the Committee was certainly placed in a very unpleasant position. Hon. Members undoubtedly possessed the power of availing themselves of the forms of the House for the purpose of obstructing this, or similar measures which came before them, but the use of that power was not at all times an exhibition that was either very creditable to the House or beneficial to the public. He did not mean to complain of any hon. Gentleman for exercising his constitutional right as a Member of that House; he thought, however, that if they could put an end to the difficulty in which they seemed now to be placed, it would be alike for the benefit of the public interest and the credit of their own proceedings. He would suggest, therefore, to his hon. Friend (Mr. Craufurd), who had charge of the Bill, that, upon the Amendment being withdrawn, he should consent to the Chairman reporting progress and the House resuming.

MR. NAPIER said, his hon. and learned Friend had observed that he had not heard one tangible objection to the Bill. [THE SOLICITOR GENERAL: Not to-day.] He would be sorry to oppose any bill to which his hon. and learned Friend thought there was "no tangible objection." But there were objections to the measure before the Committee, and his (Mr. Napier's)—and it had not yet been answered—was, that the effect of the Bill would be to enable parties to get judgments in one country and use them in another; to hold out an inducement especially in the case of small traders to obtain a judgment in Ireland for a secret warrant of attorney, but which is intended to be executed in England, or a judgment in England to be executed in Ireland. The machinery of the Bill was, in his opinion, peculiarly adapted to facilitate that class of judgments, and that was an evil which the mercantile community would be disposed to regard with very great apprehension. This, however, was a matter to be amicably agreed upon out of rather than in that House; but, in his view, the most simple and advantageous mode of proceeding would be to make an affidavit of debt, obtain judgment in the country where the debtor resided, and then to sue out execution. A provision such as that would go far to remove his objection to the Bill; for, as it now stood, no notice whatever would be given in the country where the execution was levied. Secret executions coming down suddenly and at the moment when not anticipated were what the commercial community above all things dreaded. He should be glad to render all the assistance in his power to make the Bill as perfect as possible, but he should be sorry to urge any objection that was not a reasonable or tangible one. His other objection to the Bill was its centralizing tendency.

MR. CRAUFURD said, there had been an understanding that the Bill should pass through Committee, and that the Amendments should be proposed upon the Report. That understanding had been violated. He should, therefore, move that the Chairman report progress and ask leave to sit again, on the understanding that his hon. Friend withdrew his Amendment. He should take the first open Wednesday to proceed with the Bill.

The House resumed. Committee report progress; to sit again on *Wednesday*, 15th July.

SCIENTIFIC AND LITERARY SOCIETIES BILL—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1,

MR. JOHN LOCKE moved the omission of the words repealing the 6th section of 6 & 7 *Vict.* c. 36.

MR. HUTT did not object to the Amendment; which was adopted, and the clause was agreed to.

Clause 2, Buildings, &c., occupied exclusively by any Society instituted "for purposes of Science, Literature, Education, or the Arts," shall not be rated to county rates or cesses.

Mr. JOHN LOCKE said, he rose to move that the word "education" be omitted from the clause. It might be said that institutions for purposes of education ought clearly to come within the provisions of a measure of this nature; but he thought that no particular parish or district should be unduly taxed, in order to exempt establishments of this description. He had presented two petitions on this subject from the parish of St. George the Martyr, Southwark, which was peculiarly situated, as it comprised within its precincts the Deaf and Dumb Asylum, the Blind School, Bethlehem Hospital — to which a school was attached, the Magdalen Hospital, the Queen's Bench Prison, the Marshalsea, the Southwark Literary Institution, the Borough-road schools, the Yorkshire schools, the national parochial schools, six ragged schools, and a great number of schools which were not self-supporting. All these establishments were partially or entirely exempted from rates, and when he stated that out of 7,000 rated houses within the borough, 4,000 were below the rateable value of £10 a year, the Committee would see that it was a great hardship upon the poorer inhabitants that so large a portion of the area of the parish should be relieved from liability to rates, and a more severe pressure created upon them as would be the case if this clause passed in its present form. And as it was inexpedient to push the principle of exemption any farther, he hoped that the Committee would assent to his Amendment.

Mr. SPOONER said, he was disposed to go further in amending the clause than the hon. Member who last addressed the Committee, and to contend not only that buildings occupied for purposes of "education," but also buildings occupied for purposes of "science and literature" should be debarred the privilege of exemption from the payment of rates, which the clause as it stood gave to them.

Mr. HENLEY said, he could see no reason why the Committee should alter the existing law in the manner proposed by this clause. The law as it stood at present laid it down that buildings erected for the purpose of teaching science, literature, or the fine arts, and occupied by any society exclusively for those objects, were to be exempted from the payment of rates. But this Bill went a great deal further than that, for it declared by implication, if not in terms, that so long as any society instituted for any of those purposes occupied a building, such building need not be at all confined to the objects of the society. For example, a society instituted for the promotion of the fine arts might devote their premises to the purpose of a club, which would be exempt from the payment of rates by the clause under consideration. He did not see why the Athenæum might not be exempted under the operation of such a clause. He could not understand, indeed, why premises devoted to scientific, literary, educational, or artistic purposes were to be exempted at all from the payment of rates, and he warned the House that if they went on from year to year multiplying exemptions of this kind, and applying that principle to this building and the other, there would be eventually no end to exemptions. The result would be that a kind of reaction would set in, and they would have the whole of their exemptions swept away. Instead of supporting the Amendment of the hon. Member opposite (Mr. John Locke) he would rather move, as a better way of meeting the question, that the clause be entirely expunged.

Sir WILLIAM HEATHCOTE said, he perfectly agreed with the hon. Member for Southwark, and he hoped the President of the Poor Law Board would interpose to protect the parochial rates all over the country from the inroad which this Bill would make upon them. He would remind the Committee that there could not be an exemption from taxation without somebody else being taxed to make up the deficiency, and that the money given up in consequence of those exemptions must be raised somewhere. Why, under the very next clause in the Bill to the one under consideration any of the societies in question might make money of their property, and yet be exempt from the payment of rates. Besides, if this Bill passed into a law, all parishes where such buildings were likely to be established would look with suspicion upon them. He submitted that the Committee would do wisely to pause before proceeding further in legislation of that character, and to enable them to do so, he begged to move that the Chairman do now leave the Chair.

Mr. E. P. BOUVERIE said, having been appealed to by the hon. Baronet who last addressed the Committee, he was bound to say that, though he did not offer any opposition to the second reading of this Bill, he entirely concurred in the grounds on which it was now opposed by the hon. Baronet; and he might state to the Committee that in the last Parliament, when a similar measure to this was brought under the consideration of the House, he objected very strongly to the extending exemptions of this kind, and endeavoured to persuade the House that they were wrong in principle. It was true the House had already admitted these exemptions to a certain extent, but he thought the time had arrived when they ought to make a stand against the multiplication of them. He might add that the practice under the existing law, though that law had not been long in operation, had already given rise to litigation. He understood it was the practice for the certifying barrister to give a certificate of exemption to literary and scientific societies when they were entitled to exemption—he would not say indiscriminately, but, at least, with no great discrimination as to the right of exemption—and hence suits had been brought before the Superior Courts of common law with the view to determine what constituted a right to exemption in particular cases. That kind of litigation had been increased by attempts having been made to extend the area of exemption. For instance, he believed there was recently a case before the Court of Queen's Bench which turned on the question whether a society, called a literary society, but whose premises had been devoted to theatrical representations, could claim exemption under the existing law; but the court very properly, in his opinion, held that the certificate of exemption given in that case by the certifying barrister was invalid, inasmuch as the society did not appear to be one contemplated by the Act of Parliament. For these reasons he should join in supporting the hon. Baronet (Sir W. Heathcote) if he persisted in his Motion for reporting progress. But he could not support the Motion of the hon. Member for North Warwickshire (Mr. Spooner), inasmuch as literary and scientific institutions now enjoyed exemption from rates, and it would be unjust by a side wind to deprive such institutions of an advantage which they now enjoyed.

MR. PULLER said he wished to remind the Committee that by the Poor Law Act of Elizabeth the amount of property occupied by a man was considered as the measure of his ability to pay. He submitted that the case brought under the consideration of the Committee by the hon. Member for Southwark (Mr. John Locke) was an exceptional one, and that when they came to look at the 12,000 parishes of England they would be of opinion with him (Mr. Puller) that it was clearly for the benefit of each of those parishes that a public school should exist in every one of them, and that no obstruction by legislation or otherwise ought to be thrown in the way of the education given in such schools. He contended that educational institutions in particular had an especial claim to an exemption of this kind. If a distinction could be drawn, he would say it was only the wealthy who were specially interested in the fine arts, but it was the poor who were mainly concerned in public educational institutions, and it was for that reason that he could not fall in with the suggestion made by the hon. Member for North Warwickshire (Mr. Spooner). But at the same time, all experience and all history showed that the advancement of a nation was identical with its progress in the fine arts and in science, literature, and education; and he held that societies established for the promotion of those objects were, above all others, entitled to the countenance and consideration of the House.

MR. NAPIER said, he thought it was an inconvenient course when a Bill, as in this case, had been read a second time, and the Committee were considering one of its clauses, that they should entertain objections to its principle and should discuss the whole code of exemptions. The principle on which this Bill was founded, was that institutions established for a public object, and from which no private benefit was derived, should be exempted from rating. That principle had been recognized in another measure which had recently been passed; and as long as that measure continued unrepealed he did not see how the Bill before the Committee could be legitimately opposed.

MR. W. EWART said, he should support the clause as it stood, as he contended that the more the people were educated the less pauperism there would be. He would also submit that the Bill was of a remedial character merely, and intended to supply defects in an existing Act, and that consideration ought to disarm all opposition to it from either side of the House.

MR. DRUMMOND said, he was surprised to hear the hon. Member for Dumfries (Mr. W. Ewart) repeat the fallacy, long ago exploded, that there was any necessary connection between pauperism and the want of education. Why, did any one ever hear that a man's stomach was filled by reading a page of *Homer* or of *Virgil?* Education had nothing whatever to do with pauperism. A man did not starve because he was uneducated, but because he had nothing to eat. Let the Committee observe the extent to which they were going. There was not a single parish in the country that had not at least one, if not four or five places of education, and by this Bill all those parish schools were to be exempt from the payment of rates. Then, again, the house of the schoolmaster was to be exempt. ["No, no!"] Then, if his house was not to be exempt they must increase his pay. He contended that this was a most foolish measure, and that institutions which had produced the greatest amount of public benefit, such, for example, as the Royal Agricultural Society, the British Institution, the Society of Arts, and the Society of Painters in Water Colours, were precisely those which had never recived one farthing of the public money. He believed that in this, as in many other cases, the more there was paid, the less was there obtained.

Motion made, and Question put, "That the Chairman do now leave the Chair.

The Committee *divided*:—Ayes 76; Noes 100: Majority 24.

House resumed; Committee report progress; to sit again on *Wednesday 15th* July.

THE ROCHDALE ELECTION.

REPORT BROUGHT UP.

MR. HENLEY, the Chairman of the Select Committee appointed on Friday last to consider the allegations contained in the petition of Mr. John Newal, touching an attempt to corrupt a witness summoned to give evidence before the Rochdale Election Committee, brought up the Report of the Committee, and as the hon. Gentleman laid it on the table there were cries of "Read, read!" from both sides of the House.

SIR DENIS LE MARCHANT thereupon read the Report as follows:—

> "The SELECT COMMITTEE appointed to inquire into the Matter of the PETITION of *John Newall*, and to report their opinion thereupon to the House," and to whom the PETITION of *John Newall* and the evidence taken at the Bar of the House were referred—have considered the Matters to them referred, and have agreed to the following Report:—

"That Peter Johnson, mentioned in the Petition of John Newall, was not produced before your Committee; and it appeared that he had not been arrested under the warrant issued against him, although every means had been taken to find him, both at Rochdale and in London.

Your Committee find that by the direction of John Newall, the agent for the Petition against the return of Sir Alexander Ramsay, Abraham Rothwell was upon the 12th of May last served with a Speaker's warrant to attend to give evidence before the Rochdale Election Committee.

"That the fact of Abraham Rothwell being a person likely to be examined as a witness on the hearing of the said Petition became known in Rochdale, and was before the 18th of June inst. known to John Lord.

"That the aforesaid Peter Johnson, having recently come to London, did, on the morning of Thursday, the 18th inst., personally apply to John Lord for the address of Abraham Rothwell, and from what passed at their interview John Lord became aware that Peter Johnson's object in desiring to communicate with Rothwell was connected with the Rochdale Election, and he requested Lord to tell Rothwell that if Rothwell intended to leave the country he (Johnson) would find him money to the extent of £50.

"That, accordingly by the agency of John Lord, Peter Johnson and Abraham Rothwell met on the evening of Thursday, the 18th inst., when Peter Johnson, in the presence and hearing of John Lord, offered Abraham Rothwell to provide money for his use to the amount of £50 if he would leave England and go to America.

"From the circumstances already stated the necessary inference would seem to be that the object of Peter Johnson in so acting as aforesaid was to prevent Abraham Rothwell's being examined on the trial of the Election Petition, and that such purpose of Johnson's was known to John Lord. But the evidence was so inconclusive, and the manner of the witnesses in giving their testimony so unsatisfactory, that the Committee are unable to state this inference as being the clear result of their investigation.

"Your Committee desire to add that nothing appeared in the evidence before your Committee to connect the sitting Member or his agents with the transactions in question; and, in conclusion, your Committee have to report that they carefully abstain from prosecuting any inquiries into matters not strictly included within the limits of the reference made to them, because of their apprehension that they might trench on the proper duties of the Election Committee, and prejudice the rights of parties not represented before them."

The Report to lie on the table, and to be *printed.*

The House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, June 25, 1857.

MINUTES.] *Took the Oaths.*—The Earl of Aylesford.

PUBLIC BILLS.—1ª Adulterers Marriages; Insurance on Lives (Abatement of Income Tax) Continuance; Alehouse Licensing.

2ª Sale of Obscene Books, &c. Prevention; County Cess (Ireland); Grand Juries (Ireland) Act (1836) Amendment.

THE PROBATE AND ADMINISTRATION AND DIVORCE BILLS—QUESTION.

THE EARL OF WICKLOW said, he wished to ask a question with reference to the Probate and Administration and the Divorce and Matrimonial Causes Bills, which had been lately passed by that House. Neither of them extended to Ireland; and as regarded the latter, he wished to ask his noble and learned Friend on the woolsack if the action for damages in cases of criminal conversation, and all the other proceedings which had hitherto been necessary for the procuring a divorce, were to continue in force in Ireland. He should very likely be told that it was the intention of Government to introduce similar measures for Ireland; but such intentions were often not carried out, and as an instance of it he might mention that some years ago an Act was passed making it lawful to issue licences for the sale of game in England. He asked if the principle was not to be extended to the whole of the United Kingdom, and he was told that there was a technical difficulty in passing a Bill for the two countries together, but that it was intended to bring in a Bill for Ireland. However, from that day to this no measure had been passed on the subject; and while in England it was lawful to sell game, it could not be done in Ireland without a violation of the law. He trusted, therefore, that his noble and learned Friend could assure him that steps had already been taken to extend to Ireland the operation of Bills having a similar object with those which had passed that House in relation to probates of wills and the granting of divorces.

THE LORD CHANCELLOR could only say, in reply, that it was not only the intention of Her Majesty's Government to introduce similar Bills for Ireland to those which had just passed their Lordships' House, but a Bill for remodelling the Court of Probate had been prepared (he did not say it was ready to be introduced), and the Attorney General for Ireland entertained a confident expectation of being able to pass it this Session. It was impossible to make the present Bills applicable to the two countries, because it would be necessary to create two new tribunals.

MINISTERS' MONEY.

THE DEBATE. EXPLANATION.

THE MARQUESS OF WESTMEATH claimed their Lordships' attention in regard to a personal matter which had arisen out of the debate which took place the other night upon the Ministers' Money (Ireland) Bill. The noble Duke the Postmaster General had expressed himself to the effect that the Government had introduced the measure for the purpose of protecting, in some degree, the Established Church in Ireland. He (the Marquess of Westmeath) rose and said that if the noble Duke thought that the Bill would have that effect he was quite mistaken, because he stated that the Roman Catholic clergy would, he was confident, agitate the country so long as they were permitted to do so, and that they would seek every opportunity of striking at the very existence of that Church. Now, a highly-respectable newspaper, a journal of the greatest and the largest circulation in the kingdom, stated in the Report which it gave the following day, that he said the Roman Catholics were seeking to strike down the Established Church. If such had been his sentiments he should not be backward in avowing them. But he added this, which he believed no one listening to him could have mistaken or misapprehended, that he was certain the Roman Catholic laity were not of that way of thinking, and that they would live peaceably with their Protestant fellow-subjects if they were permitted to do so. On looking at the paper in question the next day, he observed the principal limbs of what he said had been cut off, and what were the most odious were retained. He wrote a letter to the editor of *The Times* requesting that a correction might take place; for he had always observed that the newspapers generally had shown a generosity and a desire to correct any misconception or misinterpretation that occurred in their reports. The newspaper in question, however, had not had the common courtesy to take notice of the statement on his part. He had no vindictive feeling about the matter, but he did not wish to have it represented that he uttered sentiments the very opposite to those he had really expressed; or that opinions respecting the feelings of the Roman Catholic laity towards the Established Church should be put into his mouth which he never entertained, and that such opinions should be circulated there and in the sister country to his prejudice. While thanking their Lordships for their attention while he made that explanation, he would only repeat that he had never uttered the sentiments that had been attributed to him by the paper to which he referred.

SALE OF OBSCENE BOOKS, &c., PREVENTION BILL.

SECOND READING.

Order of the Day for the Second Reading read.

LORD CAMPBELL, in moving the second reading of the Bill said, that the object of it was to prevent the spread of those obscene prints and publications which had become of late most alarming. Their Lordships could scarcely conceive the extent to which the trade in those infamous works was carried. From information which he had recently received, he was led to believe that a considerable capital was engaged in the trade; that there were warehouses where those abominations were stored; that there were persons actually employed to travel about the country for the purpose of distributing circulars of the most exciting description. These were also sent under a penny postage stamp, inviting the people to come, and see, and purchase. It was easy to imagine the great evils that must arise from this detestable traffic. He believed that there was no country in Europe in which the circulation of such articles was permitted with the same facilities as existed in this country; because, in every other country the police had a more summary power in respect to them than the police had here. The principle upon which the Bill was founded was a simple one. As the law now stood, the only remedy that existed was an indictment against the publisher of obscene publications, which must be set on foot by private information. But there was still great difficulty in enforcing the law, because the publishers were generally on their guard. In order to obtain the required evidence, it was necessary to employ a class of men that could not be looked on with much respect—that class known as spies and informers. The individual employed on this duty must enter the place where those prints or publications were supposed to be, under the pretence that he was an admirer of such productions, and that he wished to purchase some of them. Having succeeded in obtaining them, he comes into a court as a witness, for the purpose of giving evidence on the matter. In order to render his evidence acceptable, and free from all suspicion, the informer must be searched by a policeman immediately before he enters the house or shop in question, with a view of showing that he could not have had any of those infamous works about him at the time; and immediately after he leaves the premises, in order to prove that he could only have obtained them at the place he had just visited. And, after all, from the doubtful character of such witnesses, it was difficult to obtain a conviction. Well, then, when the conviction took place, the criminal himself was sent to prison; but that did not put a stop to the trade, for the business was carried on as briskly as ever, in the name of the wife or son of the convicted party, and the poison was circulated, probably, more industriously and effectually than before. Therefore he contended that at present they had no effectual remedy against the evil. Now, he proposed that they should do something similar to that which they they had done in respect to gaming-houses. There was a power given by a recent Act against gaming-houses, which, however, was greater than what he asked for the present measure. Upon applications founded on affidavit before a magistrate, stating that there was gaming going on in a certain place, contrary to law, a warrant was granted, under which the police might enter the house and use all reasonable force that was necessary to enable them to search every corner of the house, from the cellar to the garret, and to carry away all cards, balls, dice, and other instruments of gaming, and might also arrest all persons they found on the premises, and have them summarily convicted before the magistrates. That power had been found most beneficial, and as had been found in recent cases, was attended with the most satisfactory results. He, however, did not ask the House to go so far in regard to the present Bill. He merely asked their Lordships to treat those obscene prints and publications in the way they treated commercial goods that had not paid the duty. He proposed that the magistrates should have the power of issuing their warrants upon affidavits being made of the existence of those indecent publications in certain places, and that the police should have the power of entering those places and seizing upon all such property as they found there. The noble Lord having recited the heads of the clauses of the Bill, moved that their Lordships now read it the second time.

Moved, That the Bill be now read 2^{a}.

LORD BROUGHAM said, he was sure that no one was more competent to judge of the extent of the evil for which he proposed to legislate than the noble and learned Lord himself. It was astounding to read the accounts which had gone through the papers lately of one or two cases of an infamous character tried before his noble and learned Friend. He was sure that there was but one which pervaded the country generally upon this subject—that everything that could be safely and properly done should be done to suppress this great and crying evil. He was, however, of opinion, that his noble and learned Friend would find some difficulties in the details of his measure. For example, how did he propose to define what was an "obscene publication?" He did not wish to treat the measure with any kind of disrespect, but he thought that unless the details were greatly altered, the Bill would fail to remedy the evil complained of. He would remind his noble and learned Friend, that in the works of some of their most eminent poets there were some objectionable passages which, under this measure, might cause them to be considered obscene publications.

LORD CAMPBELL said, he had not the most distant contemplation of including in the Bill the class of works to which the noble and learned Lord referred. The measure was intended to apply exclusively to works written for the single purpose of corrupting the morals of youth, and of a nature calculated to shock the common feelings of decency in any well regulated mind. Bales of publications of that description were manufactured in Paris, and imported into this country. He was ready to make what was indictable under the present law a test of obscenity.

THE LORD CHANCELLOR said, he shared in that reluctance which every one must entertain in appearing for the moment to be opposed to a measure having the very laudable object which the noble and learned Lord had in view; particularly when it would be admitted by all that the measure which was proposed as a remedy for the evil complained of came with peculiar fitness from his noble and learned Friend, not only on account of his position as a distinguished Member of that House, but also in regard to the elevated position he occupied in the highest court of law. But, however zealous his intentions might be to abolish a vile and immoral traffic, he (the Lord Chancellor) thought that he would find it impossible to frame any clause that might not enable a person inclined to be vexatious to interfere with what his noble and learned Friend himself believed should not be meddled with under the provisions of his Bill. Who could tell but that the superintendent of police or the magistrates before whom the application came would take a different view of what were obscene or indecent publications from the noble and learned Lord? It appeared to him (the Lord Chancellor) that the definition of the first clause would rest with the magistrate; and that of the second with the superintendent of police. But even supposing that the police had seized upon those publications, what were they to do with them?

LORD CAMPBELL: There is no property in those publications. Let them do as they liked with them.

THE LORD CHANCELLOR said, that he did not like to oppose the second reading of the Bill; but unless it could be very materially altered in its progress, he did not think the measure could fitly become the law of the land.

THE EARL OF EGLINTON addressed a few observations to the House, which were inaudible.

LORD LYNDHURST: My Lords, while giving full credit to my noble and learned Friend the Lord Chief Justice for the feelings which have prompted him to bring forward this Bill, I entirely agree with my noble and learned Friend on the woolsack that it will wholly fail in its object, and that it is unwise and imprudent to poke into these question and agitate the public mind in respect to them. My noble and learned Friend's aim is to put down the sale of obscene books and prints; but what is the interpretation which is to be put on the word "obscene?" I can easily conceive that two men will come to entirely different conclusions as to its meaning. I have looked into *Johnson* to see what definition he gives of the word, and I find that he says it is something "immodest; not agreeable to chastity of mind; causing lewd ideas." These are the definitions which he gives of the word. Suppose now a man following the trade of an informer, or a policeman, sees in a window something which he conceives to be a licentious print. He goes to the magistrate, and describes, according to his ideas, what he saw; the magistrate thereupon issues his warrant for the seizure of the disgusting print. The officer then goes to the shop, and says to the shopkeeper, "Let me look at that picture of Jupiter and Antiope." "Jupiter and what?" says the shopkeeper. "Jupiter and Antiope," repeats the man. "Oh! Jupiter and Ant*i*ope, you mean," says the shopkeeper; and hands him down the print. He sees the picture of a woman stark naked, lying down, and a satyr standing by her with an expression on his face which shows most distinctly what his feelings are and what is his object. The informer tells the man he is going to seize the print, and to take him before a magistrate. "Under what authority?" he asks; and he is told—"Under the authority of Lord Campbell's Act." "But," says the man, "don't you know that it is a copy from a picture of one of the most celebrated masters in Europe?" That does not matter; the informer seizes it as an obscene print. He asks if the shopkeeper has got any more prints like it? "Oh, yes, I have got several others," is the answer. Whereupon he searches the shop, and in so doing perhaps he stumbles upon a print of the story of Danae. There he sees a naked woman lifting her eyes to heaven, but standing in a very strange attitude, the shower of gold descending upon her, a little Cupid peeping over her shoulder pointing with his dart, and other circumstances which I will not describe. Well, is this print also to be brought before the magistrate? These prints come within the description in this Bill as much as any work you can conceive. And yet they are both celebrated pictures; the first is a copy of a famous Correggio which hangs in the large square room of the Louvre, right opposite an ottoman, on which are seated daily ladies of the first rank from all countries of Europe, who resort there for the purpose of studying the works of art in that great gallery. But this is not all. Our informant leaves the print shop and goes into the studio of a sculptor or some statuary and sees there figures of nymphs, fauns, and satyrs, all perfectly naked, some of them in attitudes which I do not choose to describe. According to this Bill they may every one be seized,—

"Nympharumque leves cum satyris chori."

Well, I will now go to a third class—the poets—for the informant next proceeds to the circulating libraries. I do not know whether my noble and learned Friend's extensive reading has made him familiar with the poems of Rochester, but I think they would come under the description of this Bill. "The freedom of ancient satirists," says Hume, the historian, "no more resembles the licentiousness of Rochester than the nakedness of an Indian does that of a common prostitute." Suppose that book is in a certain library lent out for hire; under my noble and learned Friend's Bill it may be seized at once—in fact, under the Bill a circulating library may be searched from one end to the other. In the same way the dramatists of the Restoration, Wycherley, Congreve, and the rest of them,—there is not a page in any one of them which might not be seized under this Bill. One of the principal characters in one of Congreve's plays is Lady Wishfor't. Dryden, too, is as bad as any of them. He has translated the worst parts of Ovid—his *Art of Love*—works for which Ovid was exiled, and died, I believe, on the shores of the Euxine. There is not a single volume of that great poet which would not come under the definition of my noble and learned Friend's Bill. I need scarcely recall to your Lordships' remembrance that poem—"*Sigismonda and Guiscardo*"—I think it is, beginning—

"While Norman Tancred in Salerno reigned,"

in which occurs the description of the secret wedding, the scenes that preceded it, and the scenes that were immediately consequent upon it. I will not repeat to your Lordships more of it than this passage:—

"The holy man, amazed at what he saw,
Made haste to sanctify the bliss by law;
And muttered fast the matrimony o'er,
For fear committed sin should get before."

But I think your Lordships will see from this specimen that Dryden's poems must be placed in my noble and learned Friend's *Index Expurgatorius*. Take, too, the whole flight of French novelists, from Crebillon, *fils*, down to Paul de Kock; nothing can be more unchaste, nothing more immodest, than they are; and when my noble and learned Friend's Bill is passed, every copy of them may be committed to the bonfire with as little mercy as Don Quixote's chivalry books were.

But, my Lords, I contend that this Bill will be entirely inoperative. The books and prints at which it is aimed are small in bulk, they may be kept in a retired part of the shop, and only be produced when a customer comes in for them, so that, in fact, you will not always be able to lay your hands upon them. I feel as strongly as any one can the infamy of the sale of these books, but, so far from agreeing with my noble and learned Friend that a Bill of this description is necessary to put it down, I am satisfied that the law as it stands is abundantly strong enough. All that is needed is additional vigour in the administration of the existing law. I am satisfied that nothing can be easier than to arrange means for detecting persons engaged in this trade; and when persons are found guilty of the offence of publishing and selling these books, instead of getting merely a nominal punishment, let them be sentenced to such a punishment as the infamy of their guilt merits, and as will effectually deter others from following in their steps. My Lords, I see such objections to the Bill of my noble and learned Friend that I move it be read a second time this day six months.

Amendment *moved*, to leave out "now," and insert "this Day Six Months."

LORD CAMPBELL said, that there was no analogy whatever between the cases mentioned by the noble and learned Lord and the publications aimed at by the Bill. On the principle laid down by the noble and learned Lord, not only could there be no new remedy for this evil provided, but the old remedy must be taken away also. The noble and learned Lord said there was no definition of obscenity.

LORD LYNDHURST rose to order.

LORD CAMPBELL: I have a right to be heard. ["Order!"]

LORD LYNDHURST spoke to order. His noble and learned Friend, having made a speech and concluded with a Motion, was not entitled to rise and make another speech till all the noble Lords who wished to address the House had expressed their sentiments. That was the rule of the House.

LORD CAMPBELL said, an Amendment had been moved to the Motion which he had made, and he had a right to make another speech on that Amendment. His noble and learned Friend rose to order, but he was himself out of order. In his zeal for these filthy publications, his noble and learned Friend had gone entirely wrong as to what was the rule of the House—an error which certainly surprised him in one who had so long held the office of Lord Chancellor. ["Order!"]

LORD ST. LEONARDS rose to order. His noble and learned Friend (Lord Campbell) had made a Motion; to that Motion an Amendment had been moved, but the Amendment had not yet been proposed to the House.

THE LORD CHANCELLOR said, the Motion before the House was, that this Bill be now read a second time; since which it had been moved as an Amendment that it be read a second time that day six months.

LORD CAMPBELL: And on that Amendment I have an undoubted right to address the House. ["Order, order!"] With regard to what has been said by my noble and learned Friend—

LORD REDESDALE again rose to order. He thought his noble and learned Friend was under a mistake as to his right. The object of the Amendment was to meet the Question, that the Bill be "now" read a second time, and it was not competent for the Mover to speak to such an Amendment, so long as there were other noble Lords who wished to address the House.

LORD CAMPBELL repeated that he had the right which he claimed to address the House.

LORD BROUGHAM, who said that, according to his experience of the rules of the other House, the noble and learned Lord had no right to address their Lordships. In the other House, they had in the Speaker an officer who kept order and controlled the proceedings; in their Lordships' House, however, the office of Speaker was as it were in commission, and the duty of preserving order devolved upon the whole House. Now, according to the rules of the other House—and he thought in this House also—the maker of a Motion had—he would not say a right, for there was none—but a privilege, through the courtesy of the House, to make a general reply; but it was a mere mockery to say that, upon such an occasion as the present, he was entitled to make a second speech.

THE EARL OF WICKLOW contended that the noble and learned Lord (Lord Campbell) was entitled to speak to the Amendment. In point of fact, the debate did not begin till an Amendment was moved.

THE LORD CHANCELLOR said, that when his noble and learned Friend moved the Amendment, he (the Lord Chancellor) ought in strictness to have proposed it to the House, but to do so was not the practice of their Lordships' House. His idea of the rule distinctly was, that his noble and learned Friend had a right to speak to the Amendment that had been moved, and such, he believed, was the invariable rule in the other House of Parliament. In point of fact, a distinct question was raised by the Amendment.

LORD CAMPBELL, claiming his right to address the House, was perfectly willing to waive that right till he had heard such of their Lordships as wished to speak upon the question.

VISCOUNT DUNGANNON, having had the honour of a seat in the other House of Parliament, must declare against the right of the noble and learned Lord to make a second speech.

LORD BROUGHAM said that, after all, everything must depend upon the nature of the Amendment. It might be substantially a different Motion altogether, in which case the maker of the original Motion might have a right to be heard upon it; but in this instance, it was only another way of saying "no" to the original Motion.

EARL GRANVILLE wished to speak with great diffidence on a question which had elicited so much difference of opinion. He believed that even in the case of a substantive Motion there was no right of reply, though the House generally allowed one to be made; but, if an Amendment, such as had been brought forward that evening was made, then, he believed, the rule of the House was that a right to reply existed.

THE EARL OF ELLENBOROUGH said, he had the misfortune to be a very old Member of their Lordships' House; he had also been a Member of the other House of Parliament; he was ready to maintain, therefore, that, according to the rules of Parliament, every Member who made a Motion had a right to reply; but it did not necessarily follow that he should have the last word in the debate. If he chose to make his reply immediately after the Amendment moved, he had no right to speak again last in the debate.

LORD BELPER said, according to the practice of the other House, any Member who had spoken on the original Motion had a right to speak on an Amendment. The strict rule was, that there was no right to speak twice on a Motion; but if an Amendment was moved, that Amendment was substantially a new Motion, and on that Motion, though a Member had already spoken, he would have a right to speak again. If their Lordships, however, were about to make a distinction, and to say that on a second Motion of a particular kind there should not be a right of reply, they would introduce eternal confusion into their debates.

LORD MONTEAGLE said, he understood the rule to be, that no one had a right to speak twice upon the same subject; but that if an Amendment was moved which was substantially another Motion, the person who made the original Motion was entitled to speak again.

LORD CAMPBELL, still maintaining his right, repeated that he was willing upon this occasion to forego it.

LORD WENSLEYDALE said, there was no doubt but that the noble and learned Lord was animated by a very proper desire to put an end to the nefarious traffic in indecent publications; but, at the same time, he (Lord Wensleydale) was of opinion with his noble and learned Friend near him (Lord Lyndhurst) that the common law, as it stood, was quite strong enough to deal with such offences. Any person exposing indecent prints was liable to be indicted for a misdemeanour. The extensive powers sought to be conferred upon the police by the Bill required grave consideration, and the definition of what was obscene was very uncertain. There was not a library in which books could not be found containing passages which a strict-dealing magistrate might consider to bring them within the operation of this Bill. The classic authors might be held to be obscene, and the possession of *Lucian*, *Lucullus*, or *Juvenal*, might expose the owners to the penalties which the Bill prescribed.

LORD WYNFORD admitted that in works of merit to which reference had been made, there might be found some objectionable passages; but it would be absurd to suppose, that the possession of such books would render the possessors liable to punishment. Those works, including those of the immortal Shakspeare, were preserved, not on account of the exceptional passages which were objectionable, but for the noble and elevating sentiments which they inculcated.

LORD CAMPBELL said, he thought that the particular street to which he had referred, but not named, would rejoice greatly upon learning that the cause of free trade in obscene publications had been upheld by such distinguished authorities. Notwithstanding the arguments of his noble and learned Friends opposite, he trusted their Lordships would not reject the Bill. He could not see why there should be any objection to allow the same means to be used to repress the abominable traffic in obscenity as were allowed to put down gaming-houses and for the seizure of smuggled goods. The noble and learned Lord who moved the Amendment had objected that the Bill, if passed, could permit interference with private picture-galleries. When the law was made stricter in order to put down gambling-houses, there might as well have been an outcry, "What will become of St. James's-street, of Brookes's, of White's, of Boodle's—there may be gambling in those respectable establishments, they may be complained of by the police, and Members of either House of Parliament may be taken before a magistrate and sent to the House of Correction." Another argument of the noble and learned Lord would, if correct, prevent any indictment being laid, for he said, "Who was to define what was obscene?" The language of the indictment was for selling or exposing obscene prints or books, and the question whether the pictures or books impugned were obscene or not was left to the jury to decide. The noble and learned Lord appeared to think that under the Bill private collections might be interfered with, but that was not so. The pictures in such collections were not intended for sale, but were kept for the owners' contemplation. There was a broad and marked distinction between such pictures as the noble and learned Lord had so graphically described, and the abominable prints which could only disgust him, which possessed no artistic merits, and which could only be regarded with aversion by every right-minded person. It was not against the masterpieces of Correggio that the Bill was levelled, but against the mass of impure publications which was poured forth on London, to the great injury of the youth of this country. If their Lordships would read the Bill a second time, he thought there could be no difficulty in introducing words in Committee to guard against any abuse which might be apprehended; but he cautioned their Lordships against a proceeding which could not fail to shock the public feeling of the country.

EARL GRANVILLE said, he had no doubt that the evil of which the noble and learned Lord had complained was a very serious one, and that steps ought to be taken to put an end to it; but it was no less clear, after the statements made by other noble and learned Lords, that the Bill in its present shape would not effect the object in view—at least not without producing considerable inconvenience. The noble and learned Lord, however, had just stated that words might be introduced in Committee to put down the evil, but at the same time to obviate the difficulties which had been pointed out. Under these circumstances, he, for one, was inclined to vote for the second reading, reserving his right to consider the Amendments which might be proposed in Committee.

LORD BROUGHAM suggested the propriety, after the statement of the Lord Chief Justice, whose opinion upon such a subject was entitled to great weight, of withdrawing the Amendment and allowing the Bill to go to the second reading.

Amendment (by leave of the House) *withdrawn*, and Bill read 2^a.

VEXATIOUS LITIGATION PREVENTION BILL.

SECOND READING. BILL POSTPONED.

LORD BROUGHAM said, he did not at present propose to press this Bill to a second reading, but, as he had given a notice of his intention to call the notice of their Lordships to the subject of vexatious suits, he would take this opportunity of making his statement; but he would not detain their Lordships long. This was a Bill which he had twice before presented to their Lordships, for preventing vexatious litigation by the establishment of courts of reconcilement. He had the misfortune to differ from the noble and learned Lord on the woolsack and from other noble and learned Friends upon that subject; they were, at least, not so sanguine as he was of the benefits to be derived from the establishment of courts of reconcilement. His own opinion was a very strong one, and was founded upon what took place in other countries. In France more than two-thirds of all the causes brought into court were stopped by the court of reconcilement, including one-third of the greater causes. In Denmark the result was still more striking; for there, out of 30,000 causes brought into court, no more than 3,000, or one-tenth of the whole, ever came to be tried, nine-tenths being stopped by the court of reconcilement. In Germany and Switzerland the experience was precisely the same. In all these countries the system had been found to answer better than in France, because it was under better regulation. Of the value of the principle there could be no doubt; but knowing the great indisposition of his noble and learned Friends to adopt this plan, he could hope for no more than that they might be induced to approve those parts of the Bill for preventing vexatious litigation. Since the Bill was last before their Lordships, he had made one material change in it. It originally stood that the parties were to go before the Judge without their counsel or their attorneys; but he had been induced to alter it, and to enable them to go there, if they were so minded, with their professional advisers. He now begged to call the attention of their Lordships to the experience of the Examiners' Office of the Court of Chancery since the recent change in its constitution and practice. The present Examiners had had before them somewhere about 600 causes, and they had found the intermediary process of examination most successful. One-seventh of the whole had been stopped in the office through their kindly intervention, and allowed to go no further. No doubt, as the Master of the Rolls, the head of that office, suggested, much of this was owing to the parties becoming aware of each other's feelings. One advantage of the plan, indeed, was that the parties at an early stage, before any expense had been incurred, were brought together, and, discussing their several cases, each knew what chance he had of meeting a formidable array of evidence against him, the result being that many hopeless actions and defences—hopeless suits for one party or the other, which would have been attended to one of the parties with great—perhaps ruinous—expense were stopped. But in what he proposed there was also the great benefit of the parties coming before a respected individual of sagacity and experience, wholly uninterested, and giving his advice from no possible motive except that of kindness towards the intending litigants. The effect of that with respect to the Examiners had been, that in almost all cases in which they had recommended the plaintiff to give up his suit because he had no chance of success, or advised the defendant to abandon his defence because he was sure to be defeated, their advice had been followed. The Examiners had told him that attorney's actions, either in inception, or what became attorney's actions during the suit, formed a very large proportion of all actions. The defect in the Examiners' Office, valuable as it had proved, was this, that when the parties got there, a good deal of expense had been already incurred. Were there a court of reconcilement in the first instance, those expenses might not be incurred. It was a melancholy fact, known to all who had lived as long in the profession as he had, that great suffering occurred to poor and deserving persons through unhappy litigations. How many instances had he known of the ruin of men's fortunes?—cases which were distinctly traceable to their having engaged in suits, for the success of which there was no reasonable hope. Were there courts of reconcilement to which they might apply in the first instance, their ruin might have been prevented. He proposed that, in order to prevent vexatious suits, the litigation of claims for which there was no just foundation, by persons in insolvent circumstances, he would give power to a Judge to require security for the costs to be incurred in such action. Actions the most desperate and untenable were brought; subscriptions were obtained for carrying them on, at the instigation of some pettifogging practitioner of the law; and, when they failed, the plaintiff was found to be utterly incapable of paying a farthing. There was the well-known case of Smyth (Provis) *v.* Smith, in which a man utterly reckless, wholly unprincipled, as dishonest as any man who ever entered a court of justice, brought an action of ejectment against the proprietor of an hereditary estate, and put that proprietor not only to great expense but to great anxiety for months and years. The claim on his property was defeated. Smyth himself was examined, and a person seeing in the London papers an account of the examination was enabled to send down a telegraphic message which convicted him of the fabrication of a ring and of the forgery of a document. He was tried for forgery. He might also have been tried for perjury, but he was tried and convicted of forgery and sentenced to transportation for life. The defendant in the action brought by that man had to pay between £7,000 and £8,000. It might be asked how were the funds for carrying on the proceedings provided? He grieved to say they were provided by the subscriptions of persons in London and Bristol, who, on the promise of 150 per cent, were ready to speculate on the chance of success; but those persons would not have been willing to run the risk of having to pay the whole costs in the suit. He would answer for it that if there had existed such a provision as he proposed, Provis would never have found any person to give security for costs. Provis broke down under his own examination under the admirable operation of the new law of evidence: but this was but one remarkable case. He might cite to their Lordships hundreds of cases of smaller amount in which the defendants were put to an expense of £400 or £500 by these vexatious proceedings. The only other provision of this Bill was to cure a defect in the insolvency law. The Insolvency Court did not possess the power of visiting parties to vexatious suits with punishment, unless they happened to be defendants. He proposed to make the power of punishment apply equally to the plaintiffs. He would not at present trouble their Lordships further, but would move the second reading of the Bill, in order that further proceedings might be adjourned.

Moved, That the Bill be now read 2ª.

The LORD CHANCELLOR said, he was, to a certain extent, opposed to courts of reconcilement, because he believed they would be only sinks for adding to the expense of ordinary litigation. When it was said that the Examiners in the Court of Chancery found they could often put an end to suits, it was no doubt perfectly true, because it should be remembered that the parties had been in violent hostility to each other for some time, and, the truth having all come out, they had the means of knowing what the chances of success or failure were. It seemed to him that to force persons to appear before a tribunal amicably to settle their differences, would only lead, ultimately, to further litigation. With respect to the proposal to call upon the plaintiff to give security before entering upon a suit, he could only say that it was one which, in his opinion, was open to grave objection, because the Judge who was to fix the amount of security could know nothing about the merits of the case without having the whole matter investigated before him. The object which his noble and learned Friend sought to accomplish was no doubt one of great importance, and its attainment would be productive of considerable advantage if it could only be made consistent with a due regard to the interest of the poorer class of plaintiffs. He must confess that he entertained great doubts upon that point, but he should abstain—as his noble Friend proposed to move the adjournment of the debate—from offering any further comment upon the subject on that occasion.

Lord CAMPBELL said, he had not the slightest doubt that a court such as his noble and learned Friend sought to establish had been productive of great benefit in Denmark and other continental countries; but he must at the same time contend that it would be found to be totally irreconcilable with the form of procedure in England; that it would add to the amount of vexatious litigation, and would increase the costs of particular suits. Out of the causes which came on for trial in this country eighty per cent were of a nature in which the question involved admitted of no doubt, in which the defendant had not a shadow of a chance of succeeding, and in which his only object was to seek some means by which a good defence might be got up. In ten out of the remaining twenty per cent, to bring the parties face to face before entering upon a suit would, instead of leading to a reconcilement between them, be, in his opinion, productive only of exasperation. He was quite as much alive as his noble and learned Friend could be to the evils resulting from the prosecution of vexatious claims to estates, but the inconvenience was one which he despaired of seeing removed by the operation of any general law.

Further debate on the said Motion adjourned *sine die.*

House adjourned at a Quarter past Seven o'clock, till To-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, June 25, 1857.

Minutes.] Public Bills.—1° Divorce and Matrimonial Causes; Attornies and Solicitors (Colonial Courts); Assessments (Scotland); Constabulary Force (Ireland); Revising Barristers (Dublin); Banking; Justices and Police Force (Dublin); Adulteration of Food or Drink.

3° Charitable Uses.

PASSING TOLLS ON SHIPPING.

QUESTION.

Mr. INGHAM said, he would beg to ask the Vice President of the Board of Trade if it is the intention of Her Majesty's Government to introduce a Bill for the abolition of Passing Tolls on Shipping.

Mr. LOWE said, in the early part of the Session he had stated that as soon as the business of the House would permit he would introduce a Bill to abolish Passing Tolls and relieve shipping from other burdens to which it was subject. He was sorry, however, to say that that period had not yet arrived; and in the present state of the Session and of the business of the House he could not conceal from himself that it would be quite impossible to carry through such a measure in the course of the present year, involving, as it must do, very considerable discussion. Therefore, with very great regret, he must defer till another Session the attempt to relieve shipping from these most unjust burdens.

Mr. HUDSON said, he wished to know whether it would not be possible this Session to carry through a Bill for abolishing Passing Tolls, leaving the question of the local charges on shipping to another occasion.

Mr. LOWE said, it was his opinion that it was not possible.

DISTRIBUTION OF THE VICTORIA CROSS.

QUESTION.

Sir CHARLES NAPIER said, he wished to inquire whether, as the soldiers of the Line and the Guards were to be allowed to attend the award of the Victoria Cross to their comrades on the following day the same privilege ought not to be extended to the seamen of the Royal Navy? Generals and Lord Lieutenants of counties were to be admitted to the park on horseback, in order to take part in the ceremony. He wished to know why Admirals should not be permitted to do the same?

Mr. BERNAL OSBORNE: I am informed, Sir, that a great body of the Greenwich Pensioners will be present on the occasion, as well as those sailors to whom the Victoria Cross is to be distributed. With reference to the cavalry part of the question, I can only say that if the gallant Admiral presents himself in Hyde Park, mounted and in uniform, I am sure a fitting place will be given to him.

Colonel FRENCH said, he wished to be informed by the Under Secretary for War whether it was true that the 79th Regiment of Highlanders, which had only sixty killed and wounded in the late war, was to be present at the distribution of the Victoria Cross, while the Connaught Rangers, who had 476 killed and wounded, were to be excluded?

Sir JOHN RAMSDEN: I am sorry that the hon. and gallant Member did not give me notice of his question till two minutes ago. At present I am unable to answer it.

Colonel FRENCH: I shall renew the question on the adjournment of the House to-morrow.

GUNPOWDER STORES—QUESTION.

Major SIBTHORP said, he wished to ask the Under Secretary for War whether it is true that large quantities of gunpowder are stored in various places in the immediate neighbourhood and town of Waltham Abbey, and, if so, whether they are to remain there; also, if it is true that any parties connected with the Government have threatened with instant dismissal any of the workmen or others at the mills if they divulged anything relative to the quantity of gunpowder stored there?

Sir JOHN RAMSDEN said, he could assure the hon. and gallant Member that there was now no gunpowder stored in the town or immediate neighbourhood of Waltham Abbey; and that it was entirely untrue that any Government official had been threatened with instant dismissal for divulging anything connected with the subject.

CANADIAN BISHOPS—QUESTION.

Mr. COLLINS said, he would beg to ask the Secretary of State for the Colonies if the Royal Assent has been given to the Bill passed by the Parliament of Canada, "to enable the Members of the United Church of England and Ireland in Canada to meet in Synod, in order that the members thereof may be permitted to exercise the same rights of self-government that are enjoyed by other religious communities?" and, if so, whether such Act does not place the appointment of Bishops in that Church in the Synod as therein constituted, any prerogative of the Crown to the contrary notwithstanding.

Mr. LABOUCHERE said, he was happy to be able to state in reply to the first question of the hon. Member, that the Royal Assent had been given to the Bill of the Canadian Parliament. In answering the second question now put to him he should be very sorry to give in an authoritative manner, any opinion on a point of law beset with many difficulties, and respecting which the greatest lawyers constantly differed. He, of course, alluded to the *status* of the Church of England in the Colonies and the condition of the Royal Prerogative in reference to that Church. He might, however, state that in passing this Bill the Assembly of Canada conceived they were vesting the appointment of Colonial Bishops in this Synod; and also that in advising the Crown to assent to the measure he had done so under the distinct impression, which he still retained, that the power of appointing those Bishops was vested by the Act in the Synod, as constituted under its provisions.

SAVINGS BANKS—QUESTION.

Mr. BAGWELL said, he would beg to ask the Chancellor of the Exchequer in what manner he proposes to deal with the existing Auditors of such Savings Banks as may become Government Security Savings Banks, in the event of the Savings Banks Bill, as amended, becoming law.

The CHANCELLOR of the EXCHEQUER said, he thought it would be premature to give any answer to the question of the hon. Member until the Bill had made further progress.

EDUCATION—QUESTION.

Mr. W. EWART said, he wished to inquire of the Vice President of the Board of Education, whether it is intended to make any statement this year on the progress and prospects of Education, as agreed on and begun in former years.

Mr. COWPER said, that on proposing the Education Vote he would explain the results of the expenditure already made by the nation on behalf of Education, and the grounds on which the Estimate for the present year had been prepared, and would also endeavour to state what might be expected from the Vote.

POOR LAW MEDICAL OFFICERS.

QUESTION.

In answer to Sir John Trollope,

Mr. BOUVERIE said, in accordance with the recommendations of the Committee which some time since inquired into the subject, an order had recently been issued by the Poor Law Board directing that the appointments of Medical Officers to Poor Law Unions should be made permanent. Their salaries were fixed by the Poor Law Guardians, and the funds from which they were paid were partly the rates levied in their districts, and partly from a Vote of that House. In those cases in which the remuneration was extremely low the Poor Law Board endeavoured to procure an addition to it, but he was sorry to say that, generally speaking, the Poor Law Guardians were not disposed to agree with the Poor Law Board as to the propriety of such addition. Unless the Poor Law Board entered into a violent contest with the Boards of Guardians on that subject—which he was not at all prepared to do—it would be very difficult to obtain an increase of the salaries. He ought at the same time to state that, in a great number of Unions, the medical officers were sufficiently remunerated. There could be no doubt that the great body of them discharged their duties with fidelity and diligence. Any one acquainted with the present operation of the Poor Law must admit that a great improvement had been effected in the administration of medical relief to the poor. He could not, however, hold out any hopes to the medical officers that their salaries would be increased by means of an increased Vote of that House, because the House had been reluctant to grant even the usual Vote under the head of Poor Law Medical Relief. As occasion permitted, the area within which the medical officers had to discharge their duties would be diminished.

GROWTH OF COTTON IN INDIA.

QUESTION.

Lord CLAUD HAMILTON said, he wished to be informed by the hon. Member for Devonport of the day on which he proposed to resume the adjourned debate on the growth of Cotton in India?

Sir ERSKINE PERRY said, the adjourned debate was fixed for Tuesday next, but the Business Paper for that night was already so full of Notices and Motions on other subjects that it was impossible to hope that the adjourned debate could be then resumed. The first open Tuesday was the 23rd of July. The only other day open to private Members was Wednesday; but Wednesdays were so occupied by the hon. and learned Member for Ayr (Mr. Craufurd), that it was impossible to resume the debate on a Wednesday. Unless, therefore, the noble Lord at the head of the Government would give up a Government night for the discussion of the cotton-growing question, he was afraid that nothing more could be said upon it during the present Session.

Lord ADOLPHUS VANE-TEMPEST said, he would beg to ask the noble Lord at the head of the Government whether he was prepared to set apart a day for the resumption of the debate?

Viscount PALMERSTON: Sir, I feel great interest in that debate, and am anxious that those hon. Gentlemen who have not spoken should have an opportunity of expressing their sentiments and discussing the whole question. But I am afraid that at this period of the Session it will be quite impossible to give a day for that purpose. Indeed, any promise that I could make of that sort is already mortgaged to the right hon. Baronet the Member for Droitwich (Sir J. Pakington) on the subject of Education.

Lord ADOLPHUS VANE-TEMPEST said: Are we, then, to understand that the adjournment of the debate was a mere mockery?

Mr. HADFIELD said, he wished to know whether, as Her Majesty's Ministers will be at Manchester on Tuesday next, there will be a sitting of the House that day?

Viscount PALMERSTON: The Secretary of State for the Home Department will be in attendance upon her Majesty at Manchester on Tuesday, and I have received a very kind invitation from Manchester, of which I will avail myself; but we shall be the only Members absent, and that will not, I apprehend, prevent the House from going on with the business on Tuesday.

OATHS BILL.

THIRD READING.

Order for Third Reading read.

Motion made and Question proposed "That the Bill be now read the Third Time."

The Marquess of BLANDFORD:* Sir, in rising to oppose the further progress of this Measure through the House, I feel that it will not be necessary for me to enter generally upon the subject of the admission of the Jews to Parliament. That subject has already been well and ably discussed; it has engaged to the fullest possible extent the attention of the House, and therefore it will only be necessary for me to make a few brief remarks on this occasion. I can only say with reference to that subject, that there is one consideration above every other which makes me feel that the admission of Jews to Parliament is a measure to which this House ought not to agree. That consideration is, as we should never forget, and as it is expressed in all our public acts and documents, that the Crown of this realm is held "by the grace of God." Now this expression does not mean a mere abstract notion of the Divine being, but the Christian idea of God in and through the name of our Lord Jesus Christ. We meet in Parliament and in this House by the authority of the Crown, to pass those acts which are necessary for the government of the country. That Crown is not held independently, but dependently—dependently upon that Holy Being whose name I have mentioned; therefore Parliament ought, in like manner, to possess the same character and attribute of Christianity as the Crown. It has been said that we are infringing the doctrine of charity by not allowing the Jew to sit in Parliament, and I remember that some years ago, the noble Lord the Member for London drew attention to the beautiful parable of the good Samaritan, as an illustration of charity, and an example which we should follow. It was indeed the highest illustration that could be given of a virtue so divine. But is there not a fallacy in the use of this illustration? The divine rule is, that charity worketh no ill to one's neighbour, and can it be said that in asserting and maintaining the Christian character of this assembly we are "working any ill" to our neighbour? Charity is in truth a divine virtue. It is a virtue, let us never forget, which proceeds from that very Being whose name it is now proposed to ignore in order to the exercise of that virtue. My object then in rising to oppose this Bill is, that the true character of the Measure should be known and clearly understood before it is sent up to receive judgment in another House. Sir, the Bill on its second reading was not opposed, and I think so far justly. There are acknowledged inconveniences in the existing oath. Nobody denies that there are some portions of it which might well be omitted; but I regret to say that under the colour of such objections, the attempt has been made to destroy the Christian character of the legislature. It is said, "Here is an oath, the great bulk of which is nonsense; therefore let us do away with the nonsense." Upon that point we are all agreed; but, at the same time, whilst doing away with the nonsense, you have been doing away with the sense, and also with that which, to the consciences of vast numbers of people in the country, is an essential element in the constitution. The object of the Bill is said to be the admission of the Jews to Parliament, but before it proceeds to the other House, let us maturely consider what is its true character—what is its real nature. In the first place, it proposes to abolish the existing oaths of supremacy, allegiance, and abjuration, and to substitute another oath in their stead. Now, we have an instance on record within a very recent date, of the substitution of one oath for another; I allude to the Roman Catholic oath; and I will ask the House to go with me for a few moments into a comparison of the Roman Catholic oath, with the oath which it is now proposed to substitute for the three old oaths. When the Roman Catholic oath was framed, those three points of supremacy, allegiance, and protestation to maintain the established religion of the country were condensed into it. The words of the oath are these—

> "I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment, as settled by law within this realm; and I do solemnly swear that I will not exercise any privilege to which I am or may become entitled, to disturb or weaken the Protestant religion and Protestant government of the United Kingdom.

The first part of the Roman Catholic oath is an avowal of allegiance to the Sovereign; then comes an acknowledgment of the temporal supremacy of the Sovereign; and lastly, there is the delaration to maintain the national religion of the country. Now, what do we find in the oath proposed by the Bill? There is only one point introduced into the oath; it is that of allegiance or supremacy, for they are much about the same. There is not one word about the maintenance of the national religion. In the former oath, which was taken by Protestants, there are certainly no express words to be used binding them to maintain the Christian religion; but when every person who came to that table to be sworn, was obliged in your presence, Sir, to declare that he took the oath "upon the true faith of a Christian," did he not thereby, whatever might be his own feelings—whether he took the oath in sincerity or not, or with contention and insincerity—make public profession that he was a Christian? and what Christian is there that would wish to overturn the Christian religion? Therefore, I say that the old oath did maintain the essential point; the declaration that a national religion exists in the country. And in saying this, I do not speak of the Established Church alone. Far be it from me to suppose for one moment that the religion of the country is confined to that church. Attached as I am to the Established Church, I thank God that the religion of the land is not confined to it. There are varieties of opinion; there are different conformations of the human mind; and it is not to be supposed that in a day of intelligence like the present, every man's mind can be brought to agree to one uniform model in religion, or that one scheme of ecclesiastical government would suit every person. But, independently of that, the established religion is not the only religion of the country. [*A cheer from the Roman Catholic benches.*] I quite understand that cheer. Still, I believe that the established religion of this country is the most noble, the most ancient, the most estimable institution in the land. But the religion of the country is seated in the hearts of the people, and in their convictions of the truth: it is to that, then, we must look for the maintenance of the national religion. Now, that national religion, though deep-rooted in the hearts of the people, may have its foundations weakened: and how are those foundations most likely to be weakened? It is, first, by abolishing your forms. The abolition of your forms produces forgetfulness of the things for which those forms were instituted. There is every likelihood that in the engagements of every-day life, varied and complicated as they are, the national faith and piety may grow cold if these symbols cease to exist. Is not a form useful? To what do we owe the solemnity of our own proceedings, if not to forms? I remember, Sir, when your predecessor in that chair made a speech which came home to the hearts and feelings of all who heard it; he said that he had endeavoured to maintain the dignity and the privileges of the House, and at the same time to preserve those forms which he felt were essential to the character and conduct of the proceedings and business of the House. Why is the mace placed upon that table? Is it not as a symbol of the power of the House? And so there resides in these forms a power and a virtue which perhaps may not at first be perceived or apprehended, but which are not the less permanent and important. I say, therefore, that although the religion of the country may be deeply seated in the hearts of the people, it is still essential to maintain certain forms; and when should those forms be maintained if it be not when a Member comes to be sworn at the table, and enters for the first time upon the performance of those important duties upon the proper and efficient discharge of which the prosperity of the country rests. Should he not at such a moment be called upon to say, that the national religion of the country is an important element in its prosperity, and that, in order to secure that prosperity, he will faithfully maintain the religion upon which it depends? My first objection to the Bill then is that, professing as it does to concentrate into one all former oaths, it omits all reference to religion; and that any infidel, any Mahomedan, any person who acknowledges the bare abstract idea of a Supreme Governor of the Universe, might take the new oath with impunity. My second objection to the Bill is, that it differs from every other Bill, with one exception, that has ever been introduced to this House upon the authority of Her Majesty's Government, the exception being the Bill of 1854, which was very properly rejected by the House. If the House will allow me, then, I will briefly remind it of the nature of the Bills which have been introduced since the year 1847. In that year the noble Lord the Member for the city of London brought in a Bill to admit Jews to Parliament; but did he propose to alter the oath as taken by Christians? No. It was only in the case of the Jews that he proposed to omit the words "upon the true faith of a Christian." In 1849 the noble Lord brought in another Bill, by which he proposed to alter the oath as regarded Peers and Members of Parliament only; but he retained the words "upon the true faith of a Christian," except in the case of the Jews. In the Bill of 1850 the noble Lord simply omitted the words "upon the true faith of a Christian" in the case of a Jew. In the Bill of 1851, the same provision was proposed. In the Bill of 1853 the noble Lord proposed to omit the words "upon the true faith of a Christian" in the case of Jews, and the Jews were by that Bill excluded from holding certain offices. But in 1854, the noble Lord, fatigued probably by his numerous and ineffectual attempts, thought that the best plan would be to make a dash at the subject at once. He proposed, therefore, to abolish all existing oaths, and introduce a merely secular, and if I may so term it, an infidel oath. [*Cries of* "Oh!"] Well, that is a strong expression, I admit; but I am sure hon. Members will give me credit for not wishing to say anything offensive as to the intentions of the introducer. I merely state that, as the effect of the oath. The noble Lord, however, in that year, proposed to introduce an oath of that nature, and we find that the House of Commons rejected it by a majority of 251 to 247. The House of Commons, which had triumphantly carried the noble Lord through all his previous measures, and which measures had only been stopped by the House of Lords, perceived at once what was the nature of that Bill, itself put a stop to the proceeding, and thereby declared that it would not be deprived of that symbol by which the national religion had been maintained. Now, I believe, that I can ask the noble Lord the Member for London for his support on the present occasion. The noble Lord is anxious for the admission of Jews to Parliament; indeed, it seems to be his main idea. He wishes to see a civil disability done away with in the case of the Jew; but I feel sure he does not desire to reduce this House to a mere secular assembly. He does not wish to do away with all the glorious traditions of English history which show that the prosperity of the nation is indissolubly bound up with the preservation of its religion, and place us upon the footing of an infidel assembly in a continental country. I should weary the House if I were to enumerate all the Acts of the Legislature which would illustrate the fact that the maintenance of Christianity is an essential element in the laws of this country; but it has been said that the words "upon the true faith of a Christian," are accidentally the cause of excluding the Jews from Parliament.

I shall not, however, go into that subject at the present moment. I feel that this is not the time again to enter upon that long-exhausted question. What I want to show is this, and what I wish the House to believe is this—that there never was a period when some Christian symbols were not required to be exhibited by Members of the Legislature. Long before the words "upon the true faith of a Christian" were introduced, the Act of Elizabeth required oaths to be taken corporally on the Gospels. An Act of James the First did the same thing. And then, coming to the Republican Parliament, when a monarch had lost his throne and his life, this House resolved that every Member should take an oath that he would maintain the true Protestant—ay, and not only true Protestant, inasmuch as there might have been a cause for that, for we were then at daggers drawn with Popery—but the "true Protestant Christian religion of the country." Why was the word "Christian" put in that oath? Because upon the true Protestant Christian religion, "in the purity thereof," depended the welfare and prosperity of the nation. Than this there can be no more impregnable evidence that Christianity—and not Protestantism alone—was that which was meant to be maintained. Next we come to the declaration which was instituted against Transubstantiation. It may be said that that was a mere feud between Protestantism and Popery; but by whom was that declaration to be taken? By those who could say, "I do solemnly declare that I do believe that in the Sacrament of the Lord's Supper there is no Transubstantiation." It was an affirmation; a declaration of belief that there is no Transubstantiation. That is to say, that the person making it believed in the Sacrament, but not in Transubstantiation. We then come to the 12th & 13th *Will.* III., enacting the Oath of Abjuration; and from that time to the present, words have been inserted in the Parliamentary Oaths which maintain the Christianity of the Legislature. Now, let us consider for a moment the position in which we are placed, and I readily acquit the noble Lord and Her Majesty's Government of being aware of the extreme gravity of their proceedings. I believe that they have been actuated by the desire to see the Jews admitted to this House, and that they believe the easiest and readiest mode of doing so is to omit the words "upon the true faith of a Christian." But what have they done? They seem to forget that they change those constitutional forms which are of immense weight and inconceivable importance to the destiny and prosperity of the country; and, indeed, I doubt very much whether they are acting constitutionally in what they are doing. We are bound by the Act of Succession, the 12th & 13th *Will.* III., to maintain a Protestant King or Queen upon the throne of this country; and we are so bound for no other purpose than that the religion of England may be secured. It is in times of danger and the extremity of suffering that our best and noblest nature shines forth. Those who have been brought face to face with danger know well the securities which are needed to protect them from its recurrence, and it was not without reason that the men of those days, who had seen their prosperity falling from under them, who had engaged in mortal strife in order to maintain their religion and their Protestantism, and been brought in direct antagonism and conflict with the Crown, imposed those securities for the abolition of which the noble Lord at the head of the Government is paving the way. I will now read to the House the 4th section of the 12 & 13 *Will.* III., the Act of Succession, which runs in these terms:—

> "And whereas the laws of England are the birthright of the people thereof, and all the Kings and Queens who shall ascend the throne of this realm ought to administer the Government of the same according to the said laws, and all their Ministers and officers ought to serve them respectively according to the same; the said Lords Spiritual and Temporal and Commons do therefore further humbly pray that all the laws and statutes of this realm for securing the established religion and the rights and liberties of the people thereof, and all other laws and statutes of the same now in force, may be ratified and confirmed, and the same are confirmed accordingly."

By what mode could we more efficiently secure the maintenance of the established religion in this country than the taking of an oath to maintain it by every Member who enters the walls of Parliament. Yet the noble Lord proposes to abandon that oath altogether. The preamble to the Act by which the oath of abjuration is enacted, the 12 & 13 of *Will.* III., c. 6, shows the importance which was attached in those days to the securities that then existed; for after reciting that the French King had violated the Acts of Succession, it declared that upon these Acts the safety of the King's royal person and government, the continuance of the monarchy of England, the preservation of the Protestant religion, the maintenance of the Church of England, and the security of the ancient and undoubted rights and liberties, and the future peace and tranquillity of the kingdom, did under God entirely depend. That was the sense entertained in those times by the men who drew up the statute of what was necessary for the maintenance of the prosperity and liberties of the kingdom. It was thought that that prosperity and those liberties did depend on the Acts then in existence, one essential feature of which was that an oath should be taken, binding the person taking it to maintain the established religion of the country, and at the same time prohibiting by a statute, which is still unrepealed, any Minister of the Crown from proposing any alterations in those Acts. I would now make a few remarks with respect to the last clauses contained in the Bill, and which have been introduced upon the Motion of the hon. and learned Member for Horsham. Whatever its character, the Bill was, at any rate, before the adoption of those clauses, a unique piece of legislation; but by accepting those clauses, the noble Lord has himself placed a condemnation on the Bill. It is now declared that the Bill shall not extend to enable any person or persons professing the Jewish religion to hold or exercise certain high offices. And why not? Why are persons who profess the Jewish religion not to exercise those offices?

Let me have an answer to that question. I shall be told, that it is because the Roman Catholics do not hold them. Well, they do not. And why? Because it is supposed that they might exercise in those offices an influence adverse to the Protestant character of the State. Then there is this inconsistency involved; that you will allow persons to fill a legislative position, and make the laws which are necessary for the government of the country, but will not allow them to execute or administer those laws.

When it was formerly objected that Jews should be allowed to fill posts in corporations, Sir Robert Peel said that the Jews would have therein only an executive position, that they would only have to execute the laws, and would be confined within the limits of those laws. But the present Bill reverses that system, for whilst it excludes the Jews from an executive position, it gives them a seat in the Legislature. Inconsistency, I say, is stamped on the very face of this proposition; but there is yet a further inconsistency. The Roman Catholic is excluded from these offices, and at the same time holds a seat in the Legislature; there is no inconsistency, however, in giving him a seat in the Legislature, because his oath binds him not to do anything to subvert the established religion of the country. But this is not to be the case with the Jew. By your Bill you say to the Jew, " You are not fit to hold these offices; your religion incapacitates you from doing so; yet we will give you a seat in the Legislative Assembly, and we will bind you by no oath, no tie, no obligation, to maintain in that assembly the established religion of the country. Sir, I cannot conceive a greater inconsistency than that. The religion of this country is, that which has brought it through mighty and terrible struggles. The Parliament of this country has achieved great and glorious triumphs. It has curbed the disposition of the Crown at a time when it might have been prejudicial to the State. It has recovered itself from a line of monarchy and republicanism. It has maintained that established religion which was torn out, as it were, from the centre of an adverse creed. It has done all this as a Christian Parliament, with the recognition of the great and holy name of Him who is the Prince of the kings of the earth. And now if it rejects that name, if it repudiates that profession, and if it forsakes that covenant, it will be forsaking, repudiating, and rejecting the fountain of its wisdom, and of the strength and prosperity of the nation. I beg to move as an Amendment that the Bill be read a third time on this day six months.

Amendment proposed, to leave out the word "now," and, at the end of the Question, to add the words, "upon this day six months."

MR. DRUMMOND * said, he was so sensible of the deference which ought to be paid to the decided opinion of that Assembly, that he felt an apology to be due for offering at the last stage of this extraordinary Bill his utmost opposition to it. He did not think there ever was a Bill attended by more extraordinary circumstances, for it was a Bill which had no other object than that of admitting Baron Rothschild to a seat in that House, and it contained not a single word respecting, or the most distant allusion to, the Jews. He did not know what meaning the House might extract from the Bill, but in itself there was no proposition of the sort. Two collateral issues had been raised in the course of the discussion on the Bill, one of which was the respect due to the expression of opinion by the citizens of London, to which, however, he confessed he paid no respect at all, because, in the first instance, this Jew was returned as an intentional insult to this House and to Christianity. Whether he was right or wrong in this opinion, he admitted that it was not a motive which should influence the decision of that House. The other issue which had been raised was the personal character of the individual concerned. He had not the honour of his acquaintance, but he had received many acts of kindness from members of his family in various parts of Europe, and should be most happy to requite the favours received by doing any service in his power to him. He did not think, however, that this was a reason why he should give his vote for the present Bill. He differed, also, from those who opposed the third reading of the Bill on the ground that it would unchristianize this House, because he did not think that any such Bill would have been brought in or entertained had not the House been already unchristianized. That expression, no doubt, required explanation. He opposed the Bill as an effect and not a cause. They had by their liberalism completely obliterated all the essential principles which had hitherto guided this country in ecclesiastical and political matters. He would only take the case referred to by the hon. Gentleman behind him (Mr. Kinglake); when the Amendment was introduced by the hon. and learned Gentleman opposite, he very properly said, "If you want a religious test, why not appeal to your Bishops in the other House? What is the use of having Bishops in the Legislature, if it be not to give you right directions on Christian principles? Why do you not appeal to them?" The answer to that was, that if they were appealed to they would be sure to have six on one side and six on the other. The whole system of ecclesiastical authority was come to an end, so much so, indeed, that there were even differences of episcopal opinion with regard to the validity of the sacraments upon which the Church rested. What else did they see? Whilst the enormous Cathedral of St. Paul's was empty, and the Abbey at Westminster was empty, the Bishops were conducting worship in an unconsecrated concert room, and afterwards had the impudence to go down to the country and fight with Dissenters about consecrated and unconsecrated burial grounds. Why, that very night, a notice of Motion had been given for the issue of a Commission to inquire respecting the adaptation of the Liturgy to present circumstances—as if the rites of God's worship changed with every variation of man's fancies. He knew nothing equal to that, except what had been put into his hand yesterday by a gentleman, and that was a prayer in verse, addressed to our Lord, begging him to intercede for the Devil. Could liberalism go beyond that? That he supposed was tearing off the last rag of intolerance. He wished to God that they were as true to their faith as the Jews were to theirs; but they had ceased to know, and ceased to believe, that "there is but one name given under heaven whereby any man can be saved."

With respect to the present Bill, he would do with the Jews precisely what they would do with him; and again he said, he wished that we "who profess and call ourselves Christians" were as true to our faith as the Jews were to theirs. They had faith in the destiny of their nation. They believed that they should yet have all the promises which had been made to them fulfilled. They believed that they should yet trample the nations like ashes under their feet, and that not one jot or tittle of all that had been promised to them should fail till all be fulfilled. They knew full well that the circumcised cannot mingle with the baptized. They would not admit one of the baptized into their Sanhedrim. Neither ought we, in his opinion, to admit one of the circumcised into our Sanhedrim. The baptized could not rise till the circumcised fell. And now, mark! mark the historical fact! The Founder of our religion was a Jew—a circumcised Jew. He had the same attachment to His land and to His people that we have to our country. He "lived by faith," it is said, and He watched the "signs of the times," in order to be instructed by them. There came one day to a follower of His a certain Heathen, who said he wanted to speak to his Master. The follower, astonished, went and told another follower, and they two went to the Saviour. What did He say? Did he say, as on every other occasion, "What does this man want? How can I serve him?—Is he sick? I will heal him!—Is he hungry? I will feed him! Send him to me, and in some way I will bless him!" No; he took no notice of them. But He said, "Father, the hour is come!" What was that hour? The hour when the circumcised were to be utterly destroyed—nation, temple, worship, and all; and when He himself, as a Jew, was also to be put to death. If the circumcised were to become members of that Government which was the purest—and by purest he meant the most in accordance with the mind and purpose, rule, and kingdom of God—which had ever been established on the earth, he would say, "Take care; look you sharply about you; for the Jews are going to arise, and I will not venture to prophesy what may happen to you."

THE O'DONAGHOE wished to make a few observations upon a measure in which his constituents as well as the people of Ireland generally were greatly interested. He would vote against the third reading of the Bill because he regarded it as partial and unjust, inasmuch as it denied to Roman Catholics the rights which would be extended to Jews. The ostensible object of the measure was the advancement of civil and religious liberty; its covert, although paramount object was the admission of a few Jews to Parliament. In considering the construction of the forms of oath hitherto established it had occurred to him that their framers must have laboured under an infatuation that by a jumble of sounding but superfluous phrases the devil might be outwitted. When this Bill was introduced he (the O'Donaghoe) indulged the hope that henceforth common sense was to supersede prejudice, but that expectation was at once disappointed when he came down to the last clause, which by depriving the measure of a liberal and comprehensive character transformed it into a mere Ministerial job. The Government justified the introduction of this Bill on the ground that it would promote the interests of civil and religious liberty. Jews could not sit in that House because the Legislature required them to utter the words "on the true faith of a Christian." The Government had very properly resolved to remove this difficulty, arguing, he supposed, that it was not right to deprive Jews of the benefit of representation when the only impediment to their enjoyment of the privilege was a formula which could be dispensed with without any material evils resulting either religiously or politically. The words "on the true faith of a Christian" were to be omitted from the oath because they were considered unnecessary. This was a Christian country, with a Christian Legislature, and the House had been reminded that the Jews did not belong to a sect which was indifferent on religious questions, but that they believed their creed was the only true faith, and they held that their race and religion would one day be in the ascendant, and would triumph over the institutions which were based upon Christianity. Notwithstanding these considerations, however, the noble Lord (Lord John Russell) had devised a scheme by which the doors of that House would be thrown open to the Jews, and he placed them on a footing of perfect equality with the great majority of the rest of Her Majesty's subjects. To that he (the O'Donaghoe) did not object—he called the country and all Europe to witness the homage which was paid to the conscientious convictions of the Jew—but he complained of the measure because it refused equal rights to the Roman Catholics. The Government was perfectly aware that the Roman Catholics protested against that portion of the Act of 1829 which related to the form of oath to be taken by them, and all they asked was to be placed upon a footing of equality with the rest of the community. He wished, therefore, to hear from the Government—they had not given it yet—some sound and sufficient reason for making an exception in the case of Roman Catholics. It was said that the Act of 1829 was a final settlement, and that no attempt ought to be made to disturb it; but he submitted that the framers of that Act did not entertain quite perfect ideas of civil and religious liberty, to judge from the changes which it had been found necessary to make in the provisions of the measure. In 1829 the Roman Catholics might very properly accept the proposition offered by the spirit of intolerance, which said, "Agree to this proposal or you shall have no political existence;" but it was in his opinion a very different thing for Roman Catholic Members of that House to sanction by their votes a measure which endeavoured to stain the sanctity of their religion by false and unseemly imputations. In 1829 it was felt that a dangerous experiment was about to be made. It was predicted that from the moment when the first Roman Catholic representative set his face within that House the constitution was doomed. Since the passing of the Emancipation Act nearly thirty years had elapsed, and a great number of Roman Catholics had sat in that House. What had been the general tenor of their conduct? Had they not been the constant friends of progress, whether it was political, civil, or religious? Were they found in the ranks of those who opposed the removal of the restrictions on trade, or the removal of the Jewish disabilities? Had they done anything which proved they were unworthy to sit in that House, or not entitled to a full and equal share in all the blessings of its enlightened legislation? [*Cries of* "Divide!"] He perceived the House was extremely impatient to go to a division, and he should merely say further that if the noble Lord at the head of the Government could be held to what he said—which, of course, he could not—it would be imperative on him to include the Roman Catholics at once in this Bill. The noble Lord the other night, when replying to the speech of the hon. and learned Member for Enniskillen (Mr. Whiteside), said that the House was not a religious but a political assembly, and that sentiment was loudly cheered by an overwhelming majority of that House. He would admit that he had himself cheered the sentiment, though he doubted the noble Lord's sincerity; but the inference he (the O'Donaghoe) drew from it was, that religion had nothing to do with a man's politics. Let the House mark the inconsistency of the noble Lord. In the same breath in which the noble Lord gave utterance to that opinion he called on the House to exclude the Roman Catholics from the benefits of the Bill because of their religion. He would add, that unless the noble Lord or some Member of the Government, gave a promise that next Session he would bring in a Bill to remedy the defects of this measure, and thus put the Roman Catholic subjects on a footing of perfect equality with the rest of the community, he should deem it his duty to vote against the third reading of the Bill. He was aware it was said that any one who opposed this Bill voted against the admission of Jews to Parliament, and therefore violated the principle of civil and religious liberty. His answer was, that if by voting against the Bill he violated the principle of civil and religious liberty that principle, as the Bill stood, was violated in his own person and in the persons of his co-religionists, and that if he supported such a msasure he would be unworthy of the confidence reposed in him by his constituents, whose religion, he might say, was the glory and characteristic of their nation.

Mr. BALL, who spoke amid continued cries for a division, was understood to say that he had endured for a great portion of his life a very considerable degree of unkindness from those connected with him on account of his religious opinions, and he had therefore determined never to inflict on any man any disqualification or censure because he held opinions different from his. On that ground he came forward to the rescue of his brethren, the Jews. Since the real question before them was how they might frame an oath that should be obligatory on the conscience of the man who was to take it, common sense would dictate that it should be framed in accordance with the man's belief and conscience; but the Jews showed that they were conscientious by the scruples they felt in taking the existing oath, and why should an oath not be framed such as would be binding on them? It was said that the Jews were so peculiar a race and so dissociated from us, and his creed so opposed to ours, that we had nothing in common with him. But he thought that they had very much in common with the Jew; he thought that they owed very much to the Jew. The Commandments, which we regarded as obligatory on us, we received through the Jews, and were equally binding on them; and when we praised our Maker, it was in the language of the Jewish temple. We had, therefore, great affinity and fellowship with the Jews. There were two classes of persons who might be conceived as using the argument that this Bill would unchristianize the assembly. He could conceive of religious persons with a tender conscience fearing the change which they expected from this Bill. But there were many that used this objection to the Bill who knew nothing of Christianity whatever. He would tell such that it was impossible for any man to make or to unmake a Christian; that was a character which came from above. But if the admission of Jews into the House were to unchristianize it, was not the evil already done? Were there not Jewish subjects and Jewish magistrates—those who obeyed the law and those who administered it—and might not such be admitted to consider of the making of the law? The objection seemed to him to be absurd. [*Renewed cries of* "Divide!"] He felt that in delivering his sentiments he was offending many of his constituents, and it was with much hesitation that he addressed the House; and he therefore thought the House should not refuse him the opportunity of explaining the reasons which had influenced him in the vote he was about to give. But, for his own part, there was One above all constituencies, whom he thought it is duty to obey. He reminded the House that other nations had admitted the Jews to the highest offices in the State, and that, so far from being displeasing to the Almighty, seemed to be the occasion of his blessing those nations. [*Renewed confusion.*] He admitted the sincerity of his Friends on the right (the Conservative opposition) in opposing this Bill; he asked them to believe that he also was sincere in supporting it.

MR. DILLWYN, who also spoke amid much confusion, supported the Bill on the principle that religious opinion should no longer be a disqualification for a seat in that House. He did not believe it was a measure to meet a particular case, but a protest against the intolerance he had mentioned. He objected, however, to the clauses which had been introduced since the introduction into that House, as being entirely antagonistic to what he understood to be the principle of the Bill, and he was very much disappointed to find that the Government had accepted them. He could very well understand why the Roman Catholics should be excluded from certain high offices in the State; but there was no relativeness between the exclusion of the Jews and the Roman Catholics. The first was excluded on account of religion; the second, not because of his religion alone, but because he owed a divided allegiance; for, while they held the Queen to be supreme in civil matters, they owned another head in respect of spiritual matters. Much as he regretted the introduction of the clauses to which he had alluded, he still did not think that a reason sufficient for voting against the third reading of the Bill.

MR. COLLINS should have been content with giving a silent vote, but having supported in Committee to no purpose the Amendment of the hon. and learned Member for Cork, and also to no purpose the Amendment of the hon. and learned Member for Stamford, he had a double reason to be dissatisfied with the Bill as it stood. The noble Lord (Viscount Palmerston) while repealing three oaths, retained a fourth upon the Statute-book, and against this separate oath for Roman Catholics he protested. ["Divide! Divide!"]. [The hon. Gentleman proceeded to comment on various parts of the oaths, but the indescribable uproar which prevailed in the House, and which was most perseveringly kept up by a body of Members below the bar, rendered it impossible to gather with any certainty the general purport of his remarks.] He was, however, understood to say that to strike out the passage directed against treason and regicide, as being offensive to Protestants, and yet to retain it in the oath administered to Roman Catholics, was an insult to the latter, and about as just a proceeding as it would be to require one set of Members to swear that they would never steal or purloin, while everybody else was exempted from such a degrading ceremony. He felt the most profound pity for the Liberal who had such bowels of mercy for the Jew, but none for his fellow Christian.

MR. BOWYER rose to address the House, but the cries for a division were so incessant that the beginning of his speech was inaudible. The hon. and learned Member was understood to say, that as he knew the House was impatient for a division, he would not detain it more than a few minutes. He intended to vote against this Bill, and felt bound to state the grounds of his opposition. The Roman Catholic Members were accused of illiberality for resisting this measure. What occurred in the year 1829, when Catholic Emancipation was passed? Not one Catholic sat in either House of Parliament at that time, or was a party to the settlement—if settlement it was—which was then made. The Roman Catholics were obliged to accept what the Legislature had done without their having any voice in the matter. But they were now, for the first time, called upon by their votes to say that the oath forced upon them in 1829 was right and necessary. That he was not prepared to admit. Hence his opposition to this Bill. The measure did not merely leave the Catholics where they now stood. The fifth clause of the Bill expressly enacted that the Roman Catholic oath should be retained unaltered; they were, therefore, to vote that the Catholic oath should remain unchanged, and if they did so, they would be re-affirming and re-enacting that oath. The Catholic oath was absurd and nugatory—far more absurd and nugatory than Protestants supposed. It did not even fulfil the purpose for which it was intended. It did not deny the doctrines which they intended that Catholics should deny. It was a mockery and a profanation—[Here the hon. Gentleman was again interrupted by cries and confusion: Mr. SPEAKER ordered the bar to be cleared, and order was gradually restored.] Mr. Bowyer was then heard to ask whether any Roman Catholic could in honesty, or on his honour, as a gentleman who believed in the religion he professed, be a party to imposing on members of his own or of other persuasions an oath which denied the spiritual jurisdiction of the Vicar of Christ in this country—one of the most fundamental doctrines of his church? and concluded by expressing his determination to vote against the Bill.

MR. DEASY, amid continued interruption, said, that the course which he intended to take differed to a considerable extent from that suggested by the hon. and learned Member for Dundalk. It was with the deepest regret that he said he could not vote for the third reading of the Bill. He regretted to withhold his support from it, because its immediate effect would be the removal of disabilities which had been unjustly imposed upon a class of his fellow-subjects, and because he knew it was approved by Liberal Members of that House with whom it was his most anxious desire to co-operate on all occasions. But he regarded this as a measure which would create for the first time a new and invidious distinction between the Roman Catholic subjects of Her Majesty and those belonging to other persuasions. And that distinction was rendered so clear and pointed by the speech of the noble Lord on the introduction of the Bill that it was impossible to overlook it. As such, he (Mr. Deasy) knew it was regarded by many persons in Ireland, for whose opinions he entertained the greatest respect. But he could not bring himself to the course suggested by the hon. and learned Member for Dundalk, namely, that of voting against the Bill, because he did not wish to offer the slightest obstacle to the removal of unjust restrictions. He would, therefore, neither support nor oppose the Bill.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 291; Noes 168: Majority 123.

Main Question put, and *agreed to*.

Bill read 3°, and *passed*.

List of the AYES.

Akroyd, E.
Anderson, Sir J.
Antrobus, E.
Ashley, Lord
Ayrton, A. S.
Bagwell, J.
Bailey, Sir J.
Bailey, C.
Baines, rt. hon. M. T.
Ball, E.
Baring, rt. hon. Sir F. T.
Baring, T.
Baring, T. G.
Barnard, T.
Bernard, T. T.
Bass, M. T.
Baxter, W. E.
Beale, S.
Beamish, F. B.
Beaumont, W. B.
Beecroft, G. S.
Bethell, Sir R.
Biggs, J.
Bland, L. H.
Bonham-Carter, J.
Botfield, B.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Brand, hon. H.
Briscoe, J. I.
Brocklehurst, J.
Brown, J.
Brown, W.
Bruce, Lord E.
Bruce, H. A.
Buchanan, W.
Buckley, Gen.
Buller, J. W.
Bury, Visct.
Butler, C. S.
Byng, hon. G.
Caird, J.
Campbell, R. J. R.
Cavendish, Lord
Cavendish, hon. C. C.
Cayley, E. S.
Cheetham, J.
Cholmeley, Sir M. J.
Clay, J.
Clifford, C. C.
Clifford, H. M.
Clive, G.
Codrington, Gen.
Colebrooke, Sir T. E.
Collier, R. P.
Colvile, C. R.
Coningham, W.
Cowper, rt. hon. W. F.
Coote, Sir C. H.
Cotterell, Sir H. G.
Cowan, C.
Cox, W.
Craufurd, E. H. J.
Crawford, R. W.
Crook, J.
Cubitt, Mr. Ald.
Dalgleish, R.
Davey, R.
Davie, Sir H. R. F.
Denison, hon. W. H. F.
Denison, E.
Dering, Sir E.
De Vere, S. E.
Dillwyn, L. L.
Divett, E.
Dodson, J. G.
Duff, G. S.
Duke, Sir J.
Duncan, Visct.
Duncombe, T.
Dundas, F.
Dunlop, A. M.
Ebrington, Visct.
Elcho, Lord
Ellice, rt. hon. E.
Ellice, E.
Elphinstone, Sir J.
Elton, Sir A. H.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R.
Finlay, A. S.
FitzGerald, rt. hon. J. D.
Foley, J. H.
Foley, H. J. W.
Foljambe, F. J. S.
Forster, C.
Foster, W. O.
Fortescue, hon. F. D.
Fortescue, C. S.
Franklyn, G. W.
Freestun, Col.
French, Col.
Garnett, W. J.
Gaskell, J. M.
Gifford, Earl of
Gilpin, C.
Glover, E. A.
Glyn, G. C.
Glyn, G. G.
Goderich, Visct.
Graham, rt. hon. Sir J.
Greene, J.
Greer, S. M'C.
Gregson, S.
Grenfell, C. P.
Grenfell, C. W.
Gray, Capt.
Grey, rt. hon. Sir G.
Grey, R. W.
Griffith, C. D.
Grosvenor, Lord R.
Gurdon, B.
Gurney, J. H.
Hackblock, W.
Hadfield, G.
Hall, rt. hon. Sir B.
Hanbury, R.
Handley, J.
Hankey, T.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, J. D.
Hay, Lord J.
Henniker, Lord
Herbert, H. A.
Hindley, C.
Hodgson, K. D.
Holland, E.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Hudson, G.
Hutt, W.
Ingram, H.
Jackson, W.
Jermyn, Earl
Jervoise, Sir J. C.
Johnstone, J. J. H.
Johnstone, Sir J.
Keating, Sir H. S.
Kershaw, J.
King, hon. P. J. L.
King, E. B.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Kirk, W.
Knatchbull-Hugessen, E
Labouchere, rt. hon. H.
Langston, J. H.
Langton, H. G.
Lewis, rt. hon. Sir G. C.
Liddell, hon. H. G.
Locke, Jos.
Locke, Jno.
Lowe, rt. hon. R.
Luce, T.
Mackinnon, W. A.
M'Cullagh, W. T.
Mangles, R. D.

Mangles, C. E.
Marjoribanks, D. C.
Marsh, M. H.
Martin, C. W.
Martin, P. W.
Martin, J.
Massey, W. N.
Matheson, A.
Matheson, Sir J.
Melgund, Visct.
Merry, J.
Mills, T.
Milnes, R. M.
Mitchell, T. A.
Moncreiff, rt. hon. J.
Morris, D.
Mostyn, hn. T. E. M. L.
Napier, Sir C.
Nicoll, D.
Norreys, Sir D. J.
Norris, J. T.
North, F.
Ogilvy, Sir J.
Osborne, R.
Owen, Sir J.
Paget, C.
Paget, Lord A.
Paget, Lord C.
Pakington, rt. hon. Sir J.
Palmerston, Visct.
Paxton, Sir J.
Pease, H.
Pechell, Sir G. B.
Perry, Sir T. E.
Philips, R. N.
Pigott, F.
Pilkington, J.
Pinney, Col.
Platt, J.
Price, W. P.
Pryse, E. L.
Puller, C. W.
Ramsden, Sir J. W.
Ramsay, Sir A.
Raynham, Visct.
Rebow, J. G.
Ricardo, J. L.
Ricardo, O.
Rich, H.
Ridley, G.
Robartes, T. J. A.
Roebuck, J. A.
Roupell, W.
Russell, Lord J.
Russell, H.
Russell, F. W.
Russell, Sir W.
Schneider, H. W.
Scholefield, W.
Scott, Capt. E.
Scrope, G. P.
Shafto, R. D.
Sheridan, H. B.
Sibthorp, Maj.
Slaney, R. A.
Smith, J. A.
Smith, J. B.
Smith, M. T.
Smith, rt. hon. R. V.
Smith, A.
Smith, Sir F.
Somers, J. P.
Somerville, rt. hn. Sir W.
Stafford, Marq. of
Stanley, Lord
Stapleton, J.
Steel, J.
Stuart, Lord J.
Stuart, Col.
Sykes, Col. W. H.
Tancred, H. W.
Thompson, Gen.
Thornely, T.
Tite, W.
Tollemache, hon. F. J.
Townsend, J.
Traill, G.
Trueman, C.
Turner, J. A.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Vivian, hon. J. C. W.
Walter, J.
Warburton, G. D.
Watkins, Col. L.
Weguelin, T. M.
Western, S.
Westhead, J. P. B.
Whatman, J.
White, J.
White, H.
Wickham, H. W.
Willcox, B. M‘G.
Williams, M.
Williams, W.
Williams, Sir W. F.
Willyams, E. W. B.
Wilson, J.
Wingfield, R. B.
Winnington, Sir T. E.
Wise, J. A.
Wood, rt. hon. Sir C.
Woods, H.
Wyld, J.
Windham, Gen.
Wyvill, M.

TELLERS.

Hayter, rt. hon. W. G.
Mulgrave, Earl of

List of the Noes.

Adams, W. H.
Adderley, C. B.
Annesley, hon. H.
Arbuthnott, hon. Gen.
Baillie, H. J.
Bernard, hon. W. S.
Barrow, W. H.
Beach, W. W. B.
Bective, Earl of
Bentinck, G. W. P.
Beresford, rt. hon. W.
Blackburn, P.
Boldero, Col.
Booth, Sir R. G.
Bovill, W.
Bowyer, G.
Bramley-Moore, J.
Bridges, Sir B. W.
Buller, Sir J. Y.
Burghley, Lord
Cairns, H. M‘C.
Carden, Sir R. W.
Cecil, Lord R.
Charlesworth, J. C. D.
Child, S.
Christy, S.
Clark, J. J.
Clive, hon. R. W.
Close, M. C.
Cobbett, J. M.
Cole, hon. H. A.
Collins, T.
Cooper, E. J.
Corry, rt. hon. H. L.
Cross, R. A.
Curzon, Visct.
Davison, R.
Dobbs, W. C.
Dod, J. W.
Du Cane, C.
Duncombe, hon. A.
Dundas, G.
Du Pre, C. G.
Dutton, hon. R. H.
East, Sir J. B.
Egerton, Sir P. G.
Egerton, W. T.
Egerton, E. C.
Farnham, E. B.
Farquhar, Sir M.
Forde, Col.
Forester, rt. hon. Col.
Forster, Sir G.
Fraser, Sir W. A.
Gallwey, Sir W. P.
Galway, Visct.
Gard, R. S.
Goddard, A. L.
Greenwood, J.
Grogan, E.
Haddo, Lord
Hall, Gen.
Hamilton, G. A.
Hamilton, J. H.
Hassard, M.
Hayes, Sir E.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Herbert, Col.
Hildyard, R. C.
Hill, Lord E.
Hodgson, W. N.
Holford, R. S.
Hopwood, J. T.
Hotham, Lord
Hume, W. F.
Ingestre, Visct.
Johnstone, hon. H. B.
Jolliffe, Sir W. G. H.
Jones, D.
Kendall, N.
King, J. K.
Knight, F. W.
Knightley, R.
Knox, Col.
Knox, hon. W. S.
Langton, W. G.
Lennox, Lord A. F.
Leslie, C. P.
Lisburne, Earl of
Lockhart, A. E.
Long, W.
Lovaine, Lord
Lowther, Capt.
Lygon, hon. F.
Lytton, Sir G. E. L. B.
Macaulay, K.
MacEvoy, E.
Mackie, J.
Maguire, J. F.
Mainwaring, T.
Malins, R.
Manners, Lord J.
March, Earl of
Miles, W.
Miller, T. J.
Miller, S. B.
Montgomery, Sir G.
Moody, C. A.
Moore, G. H.
Morgan, O.
Mowbray, J. R.
Naas, Lord
Napier, rt. hon. J.
Newark, Visct.
Newdegate, C. N.
Nisbet, R. P.
Noel, hon. G. J.
North, Col.
O'Donaghoe, The
Ossulston, Lord
Packe, C. W.
Pakenham, Col.
Palk, L.
Palmer, R. W.
Paull, H.
Peel, Gen.
Pennant, hon. Col.
Pevensey, Visct.
Pugh, D.
Repton, G. W. J.
Robertson, P. F.
Rolt, J.
Sclater, G.
Scott, hon. F.
Seymer, H. K.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Steuart, A.
Stewart, Sir M. R. S.
Sturt, H. G.
Sturt, C. N.
Taylor, Col.
Taylor, S. W.
Tempest, Lord A. V.
Thesiger, Sir F.
Tollemache, J.
Trefusis, hon. C. H. R.
Trollope, rt. hon. Sir J.
Vance, J.
Vansittart, W.
Verner, Sir W.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Warren, S.
Welby, W. E.
Whitmore, H.
Wigram, L. T.
Williams, Col.
Willoughby, J. P.
Willson, A.
Woodd, B. T.
Wyndham, Gen.
Wynn, Col.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.

Blandford, Marq. of
Drummond, H.

Order of the Day for going into Committee of Supply read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

DISTRIBUTION OF THE VICTORIA CROSS.

OBSERVATIONS.

ADMIRAL WALCOTT observed that as he saw the right hon. Baronet the First Lord of the Admiralty in his place, he desired to call his attention to an omission in the programme for the spectacle of to-morrow; he meant the absence of any adequate representation of the navy. No feeling of envy existed between the navy and the army, but the same courage, zeal, heroism, and true contempt of danger had been exhibited by the blue jackets as by the soldiers, and for the first time the seamen would feel regret at being debarred from co-operation with his brethren in the red jackets on the occasion of the interesting ceremony to which he alluded, and this feeling would be, he was convinced, shared in and reciprocated by the army. There had never been less dissimilarity in the nature and character of operations of the sister services than had occurred in the Crimean war. What were the arrangements proposed for representing the navy? Fifty pensioners had, it was true, been ordered up from Greenwich, but they had not shared in the dangers and glories of the late war. He had been told that this afternoon an order had been sent to Portsmouth for 100 seamen to come up, but they were not the recognised parties who ought to appear in the Park, taken promiscuously from men not in the aggregate employed in the Crimean war. Thank Heaven, the jolly marines would be there. Eight hundred of them were coming up from Woolwich and Chatham. But he was now speaking of the seamen and naval officers who so highly distinguished themselves both afloat and in the trenches before Sebastopol. He did not charge the authorities with anything but oversight on the occasion, but it was an omission of a grave nature which had inflicted great pain on the members of his profession, and one which he trusted would never be permitted to occur again. If 100 seamen could not have been obtained, it was with ease that fifty might have been collected, but if there was any difficulty in the case he would undertake to bring forward 100 officers as the representatives of the navy.

SIR CHARLES WOOD said, there would be on the ground to-morrow the representatives of the navy, past, present, and future—namely, a body of Greenwich pensioners, another body of men who served in the Baltic and in the Black Sea during the late war, and a large number of incipient sailors from the Greenwich school. It was not an easy thing to collect together to take part in the ceremony sailors who had served in the Russian war, many of whom were now paid off, or were dispersed in other parts of the world. There would be present, however, the men he had referred to, in addition to a large body of marines, and those seamen and marines who were to receive decorations.

SIR CHARLES NAPIER said, there was to be some sort of springling of sailors at the ceremony to-morrow; but he wished to know how many? The Greenwich pensioners would hardly be able to walk, and would want carriages to take them to the Park. Surely, without even sending so far off as Plymouth, 400 or 500 men who had served in the late war might have been found at Portsmouth, Chatham, and Sheerness, wherewith to make a show on the field. He would take that opportunity of asking the right hon. Baronet whether the gratuity for good conduct usually granted to petty officers on being paid off had been discontinued.

SIR CHARLES WOOD said, that some years ago a regulation was adopted which gave the seaman additional pay with a good-conduct badge. That boon was not extended to the petty officers, but, in lieu of it, that which was considered at the time a much smaller boon—namely, a gratuity on their discharge—was given. The whole subject had lately been reconsidered, and in the navy seamen who were promoted to the rank of petty officers, as well as privates who in the army were made non-commissioned officers, were allowed now to carry with them into the higher rank the additional pay consequent on their good conduct. This larger boon having been extended to the petty officers, the gratuity formerly granted to them on being paid off had been necessarily discontinued.

GENERAL CODRINGTON regretted that arrangements had not been made for a rather more complete representation of both the services at the distribution. Probably, on no former occasion had the two services of the navy and army been more identified than at the siege of Sebastopol. There were between 2,000 and 3,000 seamen who had worked the guns on the shore batteries, and who had been exposed to all the dangers and hardships that the army had experienced, and perhaps even in a greater degree. Their services had been continued throughout the whole of the siege; and there was therefore a more thorough identification of the army and navy upon that occasion than had ever taken place before; and he was sure if there were to be a large preponderance of the army present at the distribution that they would all feel the greatest disappointment at not being accompanied by as many as possible of the sister service. So much for the navy; but he regretted also that several regiments were to be absent which might very easily have been brought up either wholly or in detachments, and which would have added distinction to the proceedings. He knew, for example, that there was one battalion at Alder hot which had lost eight officers at Inkerman. The 88th was at Aldershot yesterday; the 19th was there; the 97th, which headed the storming party at the Redan, was there, and the 3rd battalion of Grenadier Guards, which served throughout the whole campaign, was at Windsor. He thought that these regiments, or, at all events, the medal and clasp men, might have been brought up to share in that magnificent spectacle, which would probably never be repeated in this country. The House, perhaps, might not be aware that by the terms of the Victoria Warrant the Commander in Chief on the spot in future would give the cross on the field where it was won, and consequently it could rarely if ever be given personally by the Sovereign again. This, therefore, was a most peculiar occasion, and if it could possibly have been managed, he should have been very anxious that all the regiments not too far removed from London should have participated in the brilliant spectacle.

Admiral DUNCOMBE expressed his gratification at the remarks of the gallant General who had just sat down, and his regret that the arrangements on behalf of the navy were so mean.

Colonel FRENCH said, he was glad the hon. and gallant Member had taken up the subject. Her Majesty's Government were without excuse, for the hon. and gallant officer had pointed out that the regiments near town could readily have been brought up: he understood that it was proposed to bring up the 79th Highlanders from Shorncliffe to be present—the regiment in which the present Minister for War had served—for, although the noble Lord had not much experience as a soldier, he had, he believed, been a captain in the 79th. The casualties of that regiment in the Crimea, however, had been very small. Of course the gallantry of that regiment was too well known for him to say anything, for a moment, depreciatory of its high character; but it so happened that in the Crimea only one officer and eight rank and file belonging to it had been killed, and two officers, seven sergeants, and fifty-two rank and file wounded; while the 88th Connaught Rangers, which was not to be present at the distribution, had had killed in action six officers, seven sergeants, and sixty-two rank and file; and eighteen officers, twenty-seven sergeants, two drummers, and 332 rank and file severely wounded. That regiment had been suddenly ordered to Portsmouth, but there was no necessity for such a sudden removal of the 88th, and they might very easily, and at a small expense, have been brought to London. As for the 79th, he saw no reason why they should be present at the distribution, unless it were that the attractive nature of their dress entitled them to a prominent place in the spectacle. He thought that this was a piece of favouritism which the House ought to discountenance.

Mr. BERNAL OSBORNE said, it appeared to him that, whenever these great national reviews took place, they seemed to create more jealousy and dissatisfaction than if they were not to occur at all. The naval review of last year gave very little satisfaction, he believed, to the Members of the House of Commons; but he thought that the hon. and gallant Admiral opposite (Admiral Walcott) had been a little hard upon the Admiralty with regard to their arrangements. Having any great body of sailors present at a review would be, in his opinion, as much out of place as an Admiral on horseback, or a body of infantry at a naval review. How were they to manage a large body of sailors there? [Admiral Walcott: I did not ask for a large body.] The thing was impossible. One hundred men had been ordered up to represent the navy, and the gallant Admiral must know the serious inconvenience to the fleet of having a large body of sailors in Hyde Park, independently of the difficulty of providing for them in a city like London. The hon. and gallant Member opposite

(Colonel French), who was a very old militia officer, but a very young soldier, had drawn the attention of the House to what he called a piece of favouritism shown to the 79th regiment. He was astonished to hear the hon. Gentleman allude to that, for he knew that the 79th had been under orders for some time to proceed to Dublin, and it was owing to their being on their way there, and not on account of their dress—a reason which no one but a militia officer would have dreamt of—that they would be present at the display. The Quartermaster General had had the distribution of the tickets—the Admiralty had been subsidiary to the Horse Guards on this occasion, and he believed that the arrangements would be admirably carried out. The Admiralty would be efficiently represented. The gallant Admiral, the Member for Southwark (Sir C. Napier), would be there on horseback; the Marines would be present, and a fine body of Greenwich pensioners would attend, to represent the past services of that gallant body of which the hon. and gallant Admiral the Member for Christchurch was so distinguished a representative. He thought, therefore, that there was no occasion for the jealousy and irritation of feeling which some hon. Gentlemen had thought proper to exhibit.

MR. HENLEY said, that the speech of the hon. Member who had just sat down was certainly not calculated to allay any irritation of feeling that might by possibility have been felt by any one upon this subject. Many hon. and gallant Members did, he knew, feel somewhat sore upon it, but he thought that their objections had been very judiciously met by those who had preceded the hon. Member. When, however, the hon. Member gave, as a reason for not bringing up a few sailors, that there would be a difficulty in providing for them in this metropolis with 2,500,000 inhabitants, it appeared to him to be one of the most extraordinary reasons he had ever heard, and it certainly was an admission of administrative incapacity for which he was not prepared. He was, however, glad to hear such a commendation of the Horse Guards from the hon. Gentleman, who, only a few months ago proposed, if he remembered right, to turn the ornamental water from St. James's Park right through that establishment. He could not see what difficulty there could be in placing these gallant men side by side with the troops in Hyde Park. They did land service in the Crimea; and, according to the testimony of the gallant General, performed their part gloriously in the struggle.

Question again proposed, "That Mr. Speaker do now leave the Chair."

METROPOLITAN WORKHOUSES.

COMMITTEE MOVED FOR.

VISCOUNT RAYNHAM rose to move an Amendment, "That a Select Committee be appointed to inquire into the condition and administration of Metropolitan Workhouses, and into the arrangements made and carried out by the parochial authorities of the Metropolis for giving relief to the poor." The noble Lord said, he had been led to consider the condition of these workhouses by circumstances which were as well known to most Members of that House as to himself; but, since the attention of the public was last drawn to it, matters appeared to have become worse and worse in most of the metropolitan workhouses. He thought the mismanagement of the metropolitan workhouses a subject deserving the consideration of the House. Though the enormities to which he intended to refer were matters of notoriety, he would, nevertheless, support his Motion by instancing certain cases from a return which had recently been made by the Poor Law Board, in the shape of a large blue-book, which contained nothing but details of the mismanagement in the workhouses of St. Pancras and Marylebone. Dr. Henry Bence Jones, who was appointed to inquire into the state of the workhouse of St. Pancras, after entering into various matters of detail connected with the condition in which he found the workhouse, went on to state that he could use no other term to describe what he had seen than the word "horrible." He had no doubt that the condition of that workhouse had materially improved, but it would not be disputed that that improvement had been the result of inquiry, and he had no doubt that, were inquiries made respecting other workhouses, much good would ensue. It seemed that these metropolitan workhouses were mismanaged not with respect to two or three matters only, but in regard to almost every circumstance connected with the administration of those establishments. The want of classification was universal throughout them; and the consequence was that decent persons, whom misfortune had reduced to take refuge in the workhouse, were compelled to associate with some of the worst characters, whose conduct and language were deservedly offensive to them. It was notorious, moreover, that the guardians screwed down the salaries of the officials to the lowest point; their great object appeared to be to get persons for little or nothing—in many respects it was nothing—and the result of this was that many of the officers were quite unfit for the situations which they filled. In some cases the guardians exercised a power which did not legally belong to them by giving orders to the porter of the workhouse to refuse relief, while in others they did not enforce the test imposed by law, of making every pauper who had a night's lodging and a breakfast perform four hours' work. Therefore they broke the law at both extremes. Another matter which required alteration was the system of employing paupers as nurses in the sick wards, and these persons were generally so advanced in years as to be wholly incapable of performing the services required of them. He was informed that in the parish of St. Pancras this practice had been discontinued, but in other workhouses it still prevailed. In most of these workhouses, too, the wards were overcrowded, and no proper measures were taken for their ventilation. The result of this was the production of a great amount of disease and death. The excuse given was want of room; but surely the remedy could be found in making it imperative upon guardians to remove their pauper children into the country. Such a regulation would prevent overcrowding in many cases, while in others the evil might be still further reduced by abandoning the too parsimonious principles which so strictly regulated the action and conduct of the guardians. In St. Pancras a ladies' visiting committee had been appointed which was attended with very beneficial results, and these committees could be so arranged as not to interfere at all with the general regulations for the management of the workhouses. A material alteration was required in the constitution of the boards of guardians. It was utterly at variance with the interests of the inmates that persons should be elected merely because they were pledged to reduce the expenditure. It would be of great advantage if clergymen and other persons of respectable position in the district were made guardians as a matter of course. There ought, too, to be more efficient control over the officers of the unions in the discharge of their duties. He could next refer to several cases in which the conduct of the officials had been such as that some punishment ought to have been inflicted on them. A case occurred last year which showed an utter want of proper feeling for the discharge of his duties on the part of a medical officer at Hampstead. A widow woman, fifty-nine years of age, committed suicide while in a state of insanity produced by the neglect of the officer. The coroner's jury in their verdict passed a severe censure on the conduct of the two relieving officers. The next point to which he would refer was the state of the lunatic wards; in 1856 the commissioner, Mr. Gaskell, reported that at St. Pancras none of the recommendations of the former report had been carried out. He would not further detain the House, although he had many cases in which the inhumanity of the officers had led to suffering and death. A more strict inspection was requisite, and more duties should not be imposed on the officers than they were able to discharge.

MR. D. NICOLL seconded the Motion.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into the condition and administration of Metropolitan Workhouses, and into the arrangements made and carried out by the parochial authorities of the Metropolis for giving relief to the poor," instead thereof.

MR. W. WILLIAMS must say that the new President of the Poor Law Board (Mr. Bouverie) was most assiduous in the discharge of his duties, although his action with regard to some of the metropolitan workhouses was not very palatable to the local authorities. He had no objection to the appointment of a Committee, but he thought it could not give the House more information than it already possessed in the Reports of the Poor Law Board. With respect to the Marylebone board of guardians, to whom the noble Lord had referred, he (Mr. Williams) begged to say that they were elected by the vestry, the clergy being *ex-officio* members of the board, and their conduct towards the poor had, in his opinion, been distinguished by great humanity. The Lunacy Commissioners had certainly reported that the workhouse of that parish did not afford sufficient accommodation for pauper lunatics; but the guardians and the vestry immediately set about carrying into effect the suggestions of the Commissioners, and they also intended to erect a school, which would afford ample means for the education of pauper children. The noble Lord had referred to the employment of workhouse officials who were totally incompetent to the discharge of their duties; but that certainly was not the case in the parish of Marylebone, where the officials were most efficient, and received ample salaries.

MR. BOUVERIE hoped his noble Friend would not think he was guilty of any personal disrespect to him, if, being anxious that the House should go into Committee of Supply, he did not follow the noble Lord through the details into which he had entered. He thought the noble Lord had entirely failed to establish a case which would justify the appointment of a Committee. There were between forty and fifty workhouses in the metropolitan district, and, if a Committee were appointed to investigate their management with any care, the inquiry would necessarily extend over two or three Sessions. The noble Lord arraigned the conduct of the parochial authorities generally, and it would be necessary that before a Committee he should prefer regular charges against them, and that an opportunity should be afforded them of offering a full defence. The inquiry would, therefore, be almost interminable. The cases upon which the noble Lord mainly relied as justifying his Motion were those of St. Pancras and Marylebone; but he (Mr. Bouverie) did not think they afforded grounds for the appointment of a Committee. He could not say that he considered the administration of the Poor Law in those parishes perfectly satisfactory. They were governed under separate local acts, and he could not say there was no reason to complain of the manner in which the law had been carried out. Entertaining that opinion, he had thought it his duty last year to institute an inquiry with reference to the proceedings in St. Pancras. The result of that inquiry was laid before Parliament, and in consequence of the measures adopted by the Poor Law Board the evils pointed out had either already been remedied, or were in course of correction by the parochial authorities. The administration of the law in Marylebone had not been perfectly satisfactory; but occurrences which were represented to have occurred in the workhouse had been the subject of inquiry, and steps had been taken by the parochial authorities to prevent their repetition. The Poor Law Board were empowered by Parliament to superintend the administration of the Poor Law throughout the country, and, so far as his power went, he had investigated all alleged cases of abuse which had been brought under his notice, and had endeavoured to apply a remedy where any mal-administration was proved to exist. If, however, the Motion of his noble Friend were adopted, the effect would be that, so long as the sitting of the Committee continued, the Poor Law Board would be unable to exercise the powers vested in them by law, and their action would be entirely paralyzed. The Poor Law Board did what it considered just and right towards the poor; but at the same time it was matter of gratification that gentlemen were found who, without any remuneration, attended locally to the wants of the poor, and that with great zeal and success; and although the noble Lord appeared anxious to invest the Poor Law Board with greater powers, yet he (Mr. Bouverie) must say that, for his own part, he should shrink from the idea of having large centralized administrative powers placed in his hands. No doubt cases of hardship and mal-administration might arise, but these hardly afforded grounds for the appointment of a Committee. If, however, his noble Friend had any particular cases of hardship which he was able to substantiate by evidence, let him place them in his (Mr. Bouverie's) hands, and he would endeavour to see that justice was done.

MR. P. W. MARTIN, in supporting the Motion, said, that he was acquainted with the state of affairs in the parish of St. Pancras, and considered inquiry urgently called for. The inquiry to which the right hon. Gentleman referred took place in January, 1856, and no doubt the regulation which the Board had laid down in consequence of the Report were excellent. Nevertheless, the state of things had not improved, and in October last Mr. Hall reported that they were disregarded wherever they differed from the former practice. Dr. Bence Jones reported that the workhouse was overcrowded, the inmates of the infirmary suffered from a poisonous atmosphere, and much disease was the consequence; while in the lunatics' ward great abuses prevailed, such as compelling a cleanly and a filthy patient to sleep together. This was the state of things on the 20th of December last. But, bad as matters were in the house, the management of the out-door relief was still worse; and he contended, therefore, that there was a loud call for inquiry. He did not, however, wish to give power to a Committee of that House to make inquiry into the state of the workhouses all over the country, because he thought that was unnecessary. It was only in the metropolis, where nobody could be said to know his neighbour's business, and where, consequently, much suffering among the poor went unrelieved, that inquiry was called for; and having discovered the condition of one metropolitan workhouse, he wished to know what was the condition of the others. He should, therefore, strengthen the hands of the noble Lord (Viscount Raynham) by supporting his Motion for a Committee.

Mr. DRUMMOND said, he thought the statement made to the House by the President of the Poor Law Board (Mr. Bouverie) made the case for inquiry much stronger than it was before. The right hon. Gentleman stated that he had abundant power placed at his disposal. If he had that abundant power, why did he not exercise it? He agreed with the hon. Gentleman who had just sat down that the poor in the metropolis, in consequence of their isolation, were much worse treated than in the country. There was one question he should like to ask, why, if the right hon. Gentleman had such full power in his hands, how he came to suffer the flogging of women in the Marylebone workhouse? Not many years ago Barclay and Perkins's draymen took it into their heads to insult and maltreat General Haynau, when he came to London, for flogging women—a thing, by the way, which he never did. No one, however, could expect the draymen of Barclay and Perkins to be very conversant with foreign politics. But there, in the Marylebone workhouse, were women flogged. Besides, when the Poor Law Board proposed to institute inquiry into the matter, that inquiry was resisted by most of the poor law guardians in the parish, and they were backed by the clergyman of the parish, who had since been made a bishop. But it was perfectly clear that the poor in these London unions were most shamefully treated. He did not choose to go into any details. He was, however, conversant with the treatment of pauper lunatics. In the rural districts the country gentlemen tried to get those poor lunatics into proper asylums, because they knew that there the unfortunate creatures would be kindly and skilfully treated by persons who really devoted themselves to the care of such people. In the country asylums, too, the condition of the lunatics was inquired into by the county magistrates periodically; but here in the metropolis there was no one who knew anything about such matters, and the result was, that the poor lunatics were most cruelly treated; they were huddled together in the most wretched manner, and had no one to look after them who understood the nature of their ailments. Was this, he would ask, a state of things to be allowed to go on under their very noses, and they were not to interfere? He did not know how the right hon. Gentleman (Mr. Bouverie) exercised his power. The right hon. Gentleman, it might be from modesty on his part, had not enlightened the House on that point; but he (Mr. Drummond) did not care in whom power was vested; what he wanted was, to see those poor people protected, and if he could not get that done through the intervention of the Poor Law Board, he would support the Motion for a Committee of inquiry.

Mr. BRISCOE said, he would cordially support the Motion before the House, believing that the noble Lord, in bringing it forward, had shown ample cause for investigation, and in so doing deserved the thanks of the House. He was, indeed, surprised that the Government should oppose the Motion, especially as they were told that there were eight other workhouses in the same, or nearly as bad a condition as those of St. Pancras and Marylebone.

Mr. BOUVERIE, in explanation, said the hon. Member for Rochester (Mr. P. W. Martin) had referred to the state of St. Pancras workhouse on the 25th December last. He (Mr. Bouverie) had been informed, on competent authority, that the parish of St. Pancras was now laying out a very large sum of money in making improvements which had been recommended by Dr. Bence Jones, and that all the material suggestions which that Gentleman had made had been either actually effected or were in the course of being effected. The hon. Member, therefore, was not justified in basing his Motion on statements made six months ago.

Mr. Alderman COPELAND said, his experience as a citizen of London and a magistrate had long convinced him that here poverty was regarded as a crime and treated as a crime. He felt bound to support the Motion of the noble Lord; but, considering the period of the Session, and the vast number of election petitions which stood for consideration by Select Committees, he thought it would not be advisable to add another Committee to the number, and that the noble Lord (Viscount Raynham) would do well to leave the matter in the hands of the President of the Poor Law Board for the present.

SIR JOHN PAKINGTON said, the hon. Member who last addressed the House had made a startling and alarming statement — namely, that in this metropolis poverty was treated as a crime; but he trusted that statement was rather the result of the hon. Member's warmth of feeling than of his deliberate conviction. On the other hand, however, he could not but admit that, within the last few years, circumstances had transpired to show that the administration of the poor law in this great metropolis was not in a satisfactory state. He must say that, when the shocking revelations were made in the St. Pancras Report became public, he received a private communication from the right hon. Gentleman (Mr. Bouverie), in which he manifested as much interest in the matter as any one could; but the complaints were not confined to St. Pancras, and he must congratulate the noble Lord (Viscount Raynham) on having found an opportunity of bringing forward a subject to which attention had been long directed; for, in the course he had taken, the noble Lord had done a public service; but, considering the period of the Session—and, what was of more importance, namely, the spirit in which the Motion had been met by the President of the Poor Law Board—he thought the object of the noble Lord would be best attained by leaving the matter in the hands of that right hon. Gentleman for the present. He (Sir J. Pakington) understood that the right hon. Gentleman (Mr. Bouverie) had promised to give his attention to the subject, and with that assurance the noble Lord might be satisfied. He (Sir J. Pakington) believed that much irregularity prevailed in the workhouses of the metropolis, and, unless the state of things there became more satisfactory, he thought the noble Lord, at the commencement of the next Session, would have abundant ground for repeating his Motion.

VISCOUNT RAYNHAM said, unless he received an assurance from the President of the Poor Law Board, that some steps would be taken in this matter, he should divide the House.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 73; Noes 52: Majority 21.

Main Question put, and *agreed to.*

SUPPLY — MISCELLANEOUS ESTIMATES.

House in Committee of Supply; Mr. FITZROY in the Chair.

The following Votes were *agreed to.*

(1.) £426,670, Government Prisons and Convict Establishments at Home.

(2.) £183,523, Maintenance of Prisoners in County Gaols, &c.

(3.) £43,815, Transportation of Convicts, &c.

(4.) £259,405, Convict Establishments (Colonies).

(5.) £11,504, Inspection and General Superintendence over Prisons.

(6.) Motion made, and Question proposed, "That a sum, not exceeding £361,233, be granted to Her Majesty, to complete the sum necessary to defray the charge for Public Education in Great Britain, to the 31st day of March, 1858."

MR. HADFIELD rose to call attention to the great increase which had taken place in this Vote within the last few years. So recently as 1852 it was only £150,000, whereas for the last year it was £451,000, and for the present year £541,233, being an increase of £90,000 as compared with last year. The annual increase was now about £100,000, and Sir John Kay Shuttleworth had predicted that in a few years the rate would amount to £1,000,000, estimating the capitation fund for the rural districts alone at £800,000. According to the present rate of progression the Government would soon be in possession of the education of the entire people, and voluntary effort, which had accomplished such wonders in past times, would have no chance against the national Exchequer. It certainly was not fitting that the Committee should vote such a sum as half a million of money to be placed at the disposal of an irresponsible body. He complained that the duties of the Vice President of the Committee of Council on Education were not so well defined as they ought to be. The whole system, in fact, appeared to him to be going wrong, and he thought it exceedingly desirable that before agreeing to the Vote the House should discuss fully and deliberately the question of national grants for education—grants voted without consideration, and distributed without responsibility—which they could not do at such a late hour of the night as half-past nine o'clock. He therefore moved,—

> "That the proposed Vote of £361,233 for public education in Great Britain, in addition to £180,000 already voted, and making together £541,233, for the year ending the 31st day of March, 1858, be postponed for consideration, and be the last on the Estimates of Civil Services."

The CHAIRMAN stated, that he could not put the question which the hon. Gentleman had proposed. It was competent to the hon. Member to negative the Vote, but, according to the rules of the House, he could not move its postponement.

Mr. COWPER said, it appeared as if the appeal of the hon. Gentleman for the postponement of the Vote must have been prepared under the supposition that the Estimates would not be taken so early. It was very unusual to postpone a Vote at half-past nine o'clock, and if the question could not be discussed at that hour, he despaired of securing a more suitable time. The Estimates now in the hands of the Chairman had been prepared upon a calculation of the payments that would become due in the current year, in accordance with the conditional grants made under Minutes of the Committee of Council. The increase over last year, amounting to £129,000, was owing to the increasing outlay on the part of local and voluntary contributors towards the building and management of schools, and was therefore not only a measure of the increased exertions of the benevolent and of those interested in education, but also an indication that the terms on which the votes of Parliament were administered were suited to the wants and acceptable to the feelings of a large portion of the community. The general acceptance of the terms was the best proof that could be got of their propriety. The necessity of this expenditure was tested not only by a careful examination of the circumstances of each case and by official inspection, but still further by the sacrifice of their own money by persons most conversant with the locality and best able to watch constantly over the proceedings of the school. They had also the best security for the economical application of the grant. They had not only the supervision of the Committee of Council but also the personal interest of those who were spending their own money, and who could not spend the public money without spending a proportionate sum of their own, and could not economise their own money without saving the public purse, for the public grants were so made as to be in proportion to the contributions from local and voluntary sources.

The position which the State occupied in relation to education depended not only on a correct view of the duties of the State but also on the position assumed by the instructors. Popular education in many parts of Europe had been directed by the Government. In England the efforts for spreading knowledge among the poorer classes had originated in times of religious zeal. The earliest epoch of our ancient schools dated from a time when the pious zeal of the people led to the foundation of schools in connection with conventional establishments. Many of the endowed schools—in which, however, much improvement was required—dated from the period of the Reformation, when there was a great desire that the new opinion on religious subjects should be widely disseminated, and the poor enabled to read the Scriptures and see for themselves the basis of the Reformation. The third epoch at which efforts were made for the extension of education among the children of the poor with permanent results was the commencement of the present century, when a great revival of religious zeal gave rise to the Evangelical movement. On the Continent popular education had been diffused from a different source. In Prussia, the present admirable system was framed at a time of disaster and discouragement. At a time when the Prussian armies had succumbed before the French invaders and their lands had been spoiled by the conquering foe, the statesmen of Prussia felt the necessity of making some resolute effort to awaken the intelligence, to revive the exhausted vigour, and to rouse the relaxed energies of the people; and in that moment of difficulty and depression they commenced the present system, which had since been extended through the Prussian dominions. In Germany and France state policy dictated schools. In England popular education originated with no statesmen, and was nurtured for no political end. It sprung from the action of the Church and the philanthropy of individuals. They traced it from the school of Mr. Raikes at Gloucester, who at the close of the last century established Sunday schools, and from the untiring exertions of Bell and Lancaster, who devoted their lives to the establishment of the monitorial system.

When, therefore, in the year 1833, the governing bodies of this country at last awakened to a sense of the duty of the State with reference to the moral and intellectual state of the people, and perceived that the State was bound to take measures to prevent ignorance and immorality, and to remedy the neglect of the education of the children of the poor—when, for the first time, a grant of public money, though only amounting to £20,000, was voted by this House—it was not possible for any State education to be framed in the way in which it had been established in continental countries. The field, being already occupied by persons associated together by an agreement of religious views, and philanthropic motives, the State naturally turned to directing and improving the schools which already existed; so that the present arrangement, which would not have been adopted as a system, was developed naturally from the circumstances, the march of events, and the state of opinion at the time it was introduced. The method to which Parliament was almost compelled to resort, when first it began to vote money in aid of schools, was the supplementing and completing the imperfect exertions already directed to give adequate education to the labouring classes. That system had developed itself and assumed a great variety of ramifications; but the present mode of administering the grant was exactly the same as was adopted in 1833. Now, the principle of that aid was this—the co-operation of the State with the exertions of individuals and societies in the promotion of education. In some respects it was defective, but it was an exemplification of the French axiom, *Aide toi et le ciel t'aidera.* Upon the same principle the world was governed by Divine Providence, for they saw that the prizes of life were not given to those who most needed them, but to those who most exerted themselves to obtain them. It had been admitted that the man who made a gift to another, benefited him less than the man who enabled him to help himself; and he was sure, with regard to schools, the State did more by stimulating managers and teachers to make a good school than they would by merely supplying the funds. The efforts of the Committee of Council on Education had been directed not merely to aid the schools by grants of money, but by giving them information, guidance, and help, and those suggestions which could best be given by a central authority viewing the whole education of the country, and being accurately informed of all that was going on by means of its inspectors. It was not centralization in an improper sense—for he presumed centralization in that sense was an attempt to do something which the locality could do better, while the right centralization was to do that which the central could do better than the local authority. It was local action under central supervision. In all matters of guidance and direction it was acknowledged that the Committee of Council had greatly benefited the local schools.

In considering the Minutes of the Committee of Council on Education he would ask what were the great impediments which prevented the spread of education among the children of the poorer classes? Those impediments were—1. Deficiency of school buildings. 2. Deficiency of funds for the maintenance of schools. 3. Inefficiency of education and imperfect mode of teaching. 4. Irregular attendance of children. 5. Early age at which children leave school. 6. Total absence of many children from the schools.

With regard to the deficiency of school buildings, the grants of the Committee of Council had done much to supply it. In the last year the sum spent on building and enlarging elementary schools was £74,000: 242 schools had been built and 262 enlarged during the year; 127 teachers' residences had been built, and an increase of accommodation had been provided for 34,000 children. From the year 1839 to the present year the sum of £580,000 had been spent in building, enlarging, and improving schools, and accommodation had been provided for 495,000 children. These grants had been made on conditions, under which they had been met by an expenditure of £1,512,000 in voluntary contributions; so that, on an average, the Parliamentary grant was met by three times the amount of the public contribution. If the Committee looked to the amounts awarded for building schools, there would be seen to be a rapid increase in the applications for aid which were entertained. In 1852 awards were made for building 285 schools; in 1853, 318; in 1854, 450; in 1855, 470; and in 1856, 575. At present there were liable to inspection 7,588 schools considered as institutions, not as school-rooms, many of them containing boys, and girls, and infants, in the same building. These having been partly built by public money, were liable, by their trust deeds, to inspection; though the actual inspection was usually restricted to those in the receipt of annual grants. Out of 7,588 separate institutions, 4,120 were last year in the receipt of annual grants and were actually inspected. In 1854, the number of school institutions liable to inspection was 4,788, of which 3,825 were actually inspected, and in two years the increase of schools liable to inspection had risen from 4,788 to 7,580 in the present year. These, it would be observed, were school-houses, not school-rooms. It thus appeared that under the present system the erection of schools was proceeding at a very rapid rate. It was true that this increase would be much more rapid if the public money were given on easier terms. Applications were constantly made to the Privy Council to make grants without exacting the usual proportion of local contributions, and in peculiar cases, where poor and populous communities were concerned, exceptions were made to the rule, and the Committee did not tie down the applicants too rigorously to the letter of the rule. He now came to the second point—the want of funds for the ordinary maintenance of the schools. This expenditure was met from the other grants of the Privy Council. It was found, from the average expenditure of elementary schools, that the annual cost of a child was estimated at 30*s*., and that the amount contributed by the public was 11*s*. 4*d*. The public funds, therefore, speaking generally, provided more than one-third of the ordinary expenditure of those schools receiving annual grants, and which came up to the requirements of the Committee of Privy Council. The third point—the inefficiency of the education given in the schools, had long been a great source of complaint, and a great impediment in the way of education. Many of the Minutes of the Privy Council dealt with this evil, but mainly those of 1846, which provided for the establishment of normal schools, the augmentation of teachers' salaries, and the adoption of the system of pupil teachers. The rapidity and extent to which normal schools had increased was most remarkable. Foreign educationists have great difficulty in believing that within ten years thirty-two normal training institutions had been established in this country, mainly by voluntary contributions, for such an achievement could only have occurred in this country. These normal schools were not only well provided with suitable houses and good teachers, but great care was being taken to adapt them to their proper object. They were becoming more practical, and were now producing the proper class of teachers that were required. Mr. Temple, one of Her Majesty's inspectors of schools, said, in his last Report:—

> "The work done in the training colleges appears to me, with one exception, to be improving as steadily and as rapidly as could be desired. The definiteness given to the examinations by Mr. Moseley's programme has had the best effect both on the students and the lecturers. There is always a tendency in the infancy of such institutions to attempt more than can be accomplished, and the training colleges have not been free from this mistake. Year by year, however, they seem to see more clearly what they ought to do, what they can do, and how they can do it best, and the more definite character of the annual examinations contributes much to this result. The answers of the students are less superficial and less inaccurate than they used to be."

The attention of the inspectors and of the Committee of Privy Council had been specially directed to secure that the education given in these establishments should suit the young men who were trained to be the teachers in these schools, and should avoid the charge of "flying too high." It was, no doubt, extremely difficult to provide a master who would patiently and willingly teach children of from seven to ten years of age, and who was at the same time competent to instruct a pupil-teacher in those matters which would fit him in his turn to be a master. If, therefore, hon. Members were sometimes disposed to complain that too highly qualified a master was sent to a village school, it must be remembered that, besides the instruction of the class, the master must be capable of teaching a teacher. To reach the minds, sustain the attention, and influence the hearts of very young children was as difficult, perhaps, as teaching older pupils, and required a degree of skill and patience which could not easily be found. Some of the faults laid to the charge of the school-masters were to be traced only to the youthful age at which they had to take charge of the schools. This disadvantage, however, was in process of correction; and the average age of the trained masters was gradually rising. The training schools, also, could not give experience which must be acquired in after life, and experience was as necessary in teaching as in any other profession. The augmentation of the salaries of masters had been successful. Before the Minutes of 1846, it used to be remarked, that the schoolmasters of villages and country towns were generally men who had failed in some other occupation—that keeping a school was the resource of those who did not succeed in other pursuits—and that teaching was supposed to be so easy a matter that any one could undertake it without previous training or experience. They were often the discarded ushers of middle schools, incapable of exercising the lowest strata of the reasoning faculty. But this class of persons had disappeared from the inspected schools. The position of master had been invested with a respect more commensurate with its real importance, and was a coveted object of rustic ambition. There was no deficiency of candidates for masterships in schools where the payment was adequate and the opportunity of exercising their vocation was satisfactory. But the institution of pupil-teachers had most conduced to the efficiency of the schools. The monitorial system, which it superseded, had been bringing elementary education into disrepute, particularly with the parents who were dissatisfied that their children should learn of, or teach other children. The pupil-teachers were found to be really valuable as aids to the masters; and they offered this great advantage, that we had preparing for the normal schools young men who had a taste for educating, and who voluntarily entered into it, and were prepared during a five years' apprenticeship for that which would be their profession in after life. It was objected that the smallness of the remuneration produced some difficulty in obtaining pupil-teachers, and that a considerable proportion of their number did not afterwards become masters. But as to the allegation that the pupil-teachers were not adequately paid, it was doubtful whether any strong pecuniary inducement ought to be held out to tempt young men into the field of education. It was much better that lads should be left to embrace this profession from a peculiar aptitude and natural bent for it, than that they should be drawn away by increased emoluments from other occupations. And by affording to those pupil-teachers who discovered that they had no taste for the work of instruction a ready means of escape into other employments, there was a better chance that those who remained would be adapted for educational pursuits. Experience showed that no man succeeded in this occupation who did not take an interest in it, and had not a warm sympathy with children; and the success of a school-master depended more on the zeal he felt for his profession than on intellectual ability. This explained the success of ragged schools. The Ragged School Union had made no demand for Government aid; probably because the intellectual attainments of their teachers would not enable them to pass the examination for Government certificates. But the deficiency of special learning was compensated by zeal, aptitude, and by that lively sympathy with the children under their care, which was the real source of moral power over the tender mind. The great aim, however, ought to be to combine both of these qualifications in the teacher, and the training institutions to which he had referred afforded facilities for attaining that result. They supplied to the future instructors of the young the requisite intellectual acquirements and practical experience; while for those whose hearts were not in the work an easy outlet was provided to some more congenial occupation, and the training they had received was useful in other walks of life. The pupil-teacher system had been commenced at a school at Norwood by Sir James Kay Shuttleworth; it was subsequently tried in the Admiralty School at Greenwich, and was now adopted in all the best schools in England. In the important matter of pupil-teachers we surpassed the nations of the Continent, however efficient their systems of education were in other respects. In France there was nothing that corresponded to this feature of our institutions, and the want of it was felt. Another valuable provision was that the augmentations made to the salaries of schoolmasters and pupil-teachers were made to depend on their passing through examinations before the inspectors, and also on a rigid scrutiny of their paper-work in the Council Office. Every security was thus taken that the sums paid in increasing their remuneration should not be uselessly or carelessly spent. The irregular attendance of the scholars was, perhaps, the greatest impediments to the success of our elementary schools. From a return, including all the schools at present under inspection, it appeared that 42 per cent of the scholars had attended the dayschools for less than one year; that 25 per cent had attended for one year and less than two years; that 13 per cent had attended for two years and less than three; that 8 per cent had attended for three years and less than four; that 5 per cent had attended for four years and less than five; and that 4 per cent had attended for five years and upwards. In many of the schools, especially in Yorkshire, one-half of the children to be found there at one time were not in the habit of attending for more than six months in the year, and in the rural districts generally many of the children were taken away from school during the summer months. This irregular attendance above all other things tended to prevent a good result, for in the case of young children the impressions produced on the mind must be continuous, if they are to have any lasting effect. He had heard schoolmasters say that nothing was more distressing than to see the same boy who had left them at the age of eleven an intelligent, active lad, with all his wits about him, and able to use all the faculties he then possessed, returning to them at seventeen, after he had been at the plough, a heavy, dull, stupid, loutish sort of fellow, who, so far from being able to describe all those beautiful flourishes of the pen at which he used to be an adept when at school, hardly knew how to write his own name, and had nearly forgotten all that he had learnt. The capitation grant aided the school-fund in the way most calculated to stimulate frequent and regular attendance; and the reports from the schools showed that it had operated beneficially. It induced the managers and masters to exert themselves to get the children to attend regularly; and, it suggested to persons of influence to visit the parents in their respective neighbourhoods and to point out to them the absolute necessity of a continuous and consecutive course of instruction for any really beneficial and enduring result. At present the capitation grant was not paid upon more than 36 per cent of the whole number of scholars in attendance. So that only one-third were attending as they ought. To give the right to a share of the grant the child must have been at school for 176 days during the year preceding the inspection. It acted, therefore, as a direct stimulus to the masters and managers to increase the number of their scholars, and also, when they got them to school to keep them there. The early age at which the school-education ceased, could hardly be prolonged by any operation of a public grant. If a child earned money you could hardly ask his parents to consent to his abandoning work in order to go to school, unless you compensated them for the loss which they would thereby sustain; and of course no one would propose in that House a Vote to compensate parents in such cases. But much was being done to make it worth while for the parents to let their children remain longer at school, and efforts were being made to improve the education given in the primary schools aided by the State. Parents could appreciate that improvement more readily than was generally supposed. In his opinion the indifference shown by many of the working classes with regard to sending their children to school was not so much owing to their prejudice against education itself, as to their low opinion of the character of the education given to their children. They did not see that that education had a very obvious or practical effect upon their children's progress in life. To some extent he thought the parents were wrong, but he did not deny that the schools might and ought to be more efficient and furnish a more practical and special preparation for the future occupations of the children. In the best of schools there were some children who would not learn. He had known boys who exercised their ingenuity and cleverness in getting their lessons without study, and who could pass through even Eton and Westminster without carrying away with them anything that they could remember in after life. The reports of the school inspectors showed the pains they took to make the instruction more thorough, efficient and practical. Where industrial training could be given to advantage it was given; but if children, particularly boys, remained in the schools, on an average, only a year or a year and a half, it was clear that there was not time for them to learn more than the mere elements of intellectual teaching, and the withdrawing of their time to teach handicrafts would not be wise when their age was below ten or eleven. He believed that all the friends of education were now inclined to press upon schoolmasters the importance of making their teaching as special and suited to the children's future position in life as possible. In the girl's schools there was more opportunity of doing so, because girls generally remained longer at school than boys. Any one who read the report of Mr. Cooke, who inspected the female training schools, would see that he was continually repeating his exhortations to the teachers to bestow more pains on teaching the girls needlework and household work, and, where it could be done, household economy. In fact, some of the inspectors had become excellent judges of needlework. They had from the commencement impressed the teachers with the desirableness of making the education given to the girls as practical as possible. He believed that the more the quality of the education was improved, the more visible its results, the more it would be valued, and the more likely was it that the children would remain longer at school. Parents in the long run were not bad judges of what sort of education their children ought to have. He often found that a parent knew much better what progress his child was making in education than the visitors who questioned him and the managers who frequented the school.

With regard to the total absence of children from school, he thought the number of such children not so large as was generally assumed. It appeared, from the returns of the Registrar General, that out of nearly 5,000,000 children about 2,000,000 attended school; but assuming that children between the ages of three and fifteen remained in school on an average not more than five years, it would be quite compatible with those figures that every child in the country should have passed through a school. It was found, however, that children did not remain on an average five years at school. The children of the working classes remained at school, on an average, no longer than from a year to a year and three-quarters. He did not mean to assert that every child in the country had passed through a school, but the returns of the Registrar General were not inconsistent with that assertion. He believed that the number of children who never went to school was comparatively small indeed. Several inquiries had been made on that subject, and the results tended to show, that if you excluded the lowest class of children who swarmed in the courts and alleys of great towns, in which the most demoralized portion of the community dwelt, the number of those children who did not at one time or other attend school was not large. When he had had opportunites of questioning children who were grossly ignorant, he generally found that they had been at school, though they had forgotten what they had learnt. That fact showed, that even among the working classes there was an opinion that their children ought to attend school, although they were very careless about keeping them there. Many children, also, played truant, and disregarded the wishes of their parents that they should attend school. The scanty attendance at several of the schools was owing to the indifference and demoralization of parents, and the extensive employment of young children. Nevertheless, when he regarded what was being done in the primary schools, he found that amid much to distress there was also much to encourage. Those schools which had been brought under the operation of the Minutes of Council were rapidly improving; abler masters were employed, there was greater energy and talent in the management of the schools, and more practical knowledge was imparted. He saw day by day greater numbers of persons devoting their attention to this great cause, and the progress, though slow, was certain. Education was spreading its roots deeper and wider in a prolific soil. Benevolence, compassion, and charity were engaged in this work. They felt that it was not so much upon mere donations, as upon a sense of duty and noble emulation on the part of those engaged in our schools that the advance of education depended. The last objection to which he would advert was one which had been frequently urged against the system. It had been said that the Government withheld their aid from the poor, while they gave it to the rich. But that was not a fair way of stating the matter. They did not give to the rich as rich, nor withhold from the poor as poor—they gave their aid to those districts in which the people interested themselves about education, and were ready to make sacrifices for it, while they withheld it from other districts, not because those districts were poor, but because they were indifferent to the education of their children. Aid was withheld from certain parishes, not because they were poor, but because no persons lived within them who took a sufficient interest in the promotion of education among the inhabitants, or who were willing to make the necessary exertions for that purpose. There was, after all, no security for the proper expenditure of the public money so good as that of the voluntary exertions of self-denying zeal, and he, for one, should be the more satisfied that that money had been advantageously laid out if its expenditure were made dependent on contributions being made for the advancement of education by those who were acquainted with the wants of a particular locality, and who had proved the earnestness of their convictions by carrying out their views with the aid of funds drawn from their own resources. He did not think it was necessary he should enter into any further explanation of the Vote, as hon. Members had a sheet in their hands which fully explained all the details, but he should be ready to answer any question which might be put to him with reference to them.

SIR JOHN PAKINGTON said, he had listened with very great pleasure to the speech of the right hon. Gentleman who had just resumed his seat; and although he was unable to concur with him in many of the conclusions at which he seemed to have arrived, the Committee he felt assured could not fail to appreciate the calm and judicious tone by which the statement of the right hon. Gentleman had been pervaded, and he ventured to express a hope that the same tone would be found to animate any discussion which might take place upon the very interesting and important matter to which that statement related. He must also state that he derived great pleasure from the fact that the vote for educational purposes had been submitted to the notice of the Committee by a Minister directly connected with the department of education in this country, and who must be held responsible for the various items which the Vote contained. Having said thus much, he should not trespass upon the time of the Committee by entering into a discussion of the question generally; because it was his intention, after the conferences upon the subject which had just taken place, to take that course when he brought forward his Motion with respect to the general subject of education, for the introduction of which to the notice of the House the noble Lord at the head of the Government had, with his usual courtesy, been good enough to say that he would place a day at his disposal. The only object which he had in view upon the present occasion was to invite the serious attention of the Committee to the financial position of the question under discussion, to the growing amount of the Estimate for educational purposes, and to the manner in which the money voted for those purposes was expended. He agreed with the right hon. Gentleman as to the origin of this Vote, and he was very glad to have heard the right hon. Gentleman make the important admission that the present system of education was one which could not be defended if it had originated systematically. Whatever might be its faults or defects, much good had, no doubt, been effected under its auspices; but he (Sir J. Pakington) felt convinced that the time must soon arrive when Parliament would be obliged to direct its attention to the question whether that system was one which ought to be allowed to go on permanently, and whether they were to vote an annually increasing grant for the promotion of education without taking some greater security than now existed for the beneficial expenditure of the money which they so liberally advanced. The right hon. Gentleman had observed that the present system was one under the operation of which the State assisted and co-operated with the efforts of individuals; but he (Sir J. Pakington) should contend that the result was to afford that assistance to the richer which was withheld from the poorer localities. The right hon. Gentleman, indeed, foreseeing that objection, had adverted to it at the close of his speech, and had endeavoured to meet it by saying that aid was not withheld from the poorer localities because they were poor, but because no desire was exhibited upon their parts that assistance should be extended towards them. The practical consequence, however, was that the richer districts, which were in a position to help themselves, got a very large share of the grant, while the poorer, which were unable to do anything for their own advantage, got nothing. Now, that was a great evil lying at the very root of the existing system. There was also another important question connected with the subject—namely, whether the working of the present system was such as to render it certain that the country received a full equivalent for the money which was voted by the Legislature. The right hon. Gentleman deprecated centralization—he said, that centralization in an evil sense was when the State undertook to do what localities could best do for themselves. Now, his (Sir J. Pakington's) objection to the scheme of education as it now stood was that it tended to promote centralization to an undue extent; he was strongly of opinion that, in granting a large sum of money to be administered by a central department located here in London, Parliament was doing that for the country districts which they could more efficiently perform for themselves. It was absolutely impossible, for instance, that any department in the metropolis, however well conducted, could dispense money for the maintenance of schools in Devonshire or Norfolk with a due confidence that the money so expended had been laid out to the best advantage. He was of opinion, indeed, that education throughout the country could not be satisfactorily promoted unless the aid of the respective localities were obtained, and a scheme of local organization established to provide that the public money was laid out only on schools which, owing to the nature of the education which they furnished, were deserving of assistance. Before the dissolution of Parliament the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) complained of the growing amount of this grant. He (Sir John Pakington) did not complain of the amount; but he did think that it had now reached a sum which made it incumbent upon them, not in the capacity alone of friends of education, but as stewards of the public purse, to see that it was properly administered. They must also specially note the annual increase. That increase he was glad to say was mainly caused by an increased attention to the subject of education throughout the country, and mainly by the efficiency of the capitation system. That system had at the outset been limited to the rural districts, but it had by a Minute of last year been extended to the whole of England, and he had no hesitation in saying that the House of Commons would, if the system were permitted to continue, be called upon before long to vote £1,000,000 sterling yearly for the purposes of education. Now, he, for one, had no objection to see a large amount of money expended in connection with that most important subject, and that it should be the subject of an annual Vote. He might add, that certain localities ought, in his opinion, to be aided out of the general funds of the country, but then he must repeat that steps should be taken to secure the beneficial expenditure of the money thus laid out. While dealing with that question he should, with the permission of the House, read a few passages from the Report upon the state of education which had just been issued, in order to show the Government what their own inspectors stated upon the working of the present system. The Rev. Mr. Stewart, who was inspector of schools for Cambridgeshire, Bedfordshire, and Buckinghamshire, in alluding to the working of the present system, said,—

> "The necessary consequence of these features is that it is extremely difficult, if not impossible, to maintain a satisfactory standard of instruction in the schools which are aided by Parliamentary funds."

Again, the Rev. Mr. Mitchell, who was inspector of the Norfolk, Suffolk, and Essex district, said,—

> "Of the 205 schools inspected (in 1856) 41 may be reported as being really efficient, and many of them excellent, offering not merely an ordinary education, but as good an education as I conceive to be possible, taking all the circumstances into consideration—*i.e.*, the age and social position of the scholars; but of 35 I am obliged to add an opinion that they are so defective in every respect —teachers, fittings, books, apparatus, and general *morale*—that it would be better if they were entirely closed, as they only impede progress to a better state of things. On the whole, it is almost better to have no school than a very bad one. The remaining 129 schools are more or less efficient; some are progressing, others remaining stationary, and some, I fear, retrograding."

Now, it was worthy of grave consideration whether Parliament should continue to vote large sums of public money for the support of a system on which the official inspectors pronounced no higher an opinion than this. He now invited the attention of the Committee to a table which appeared in the Report of 1854 and 1855. It was a tabulated statement of the quality of all the inspected schools, and the general result was that of those schools (the best in England, it should be remembered), only 50 per cent were in a satisfactory state. Another table, taken out of the Report for the present year, and to which he had referred yesterday at the Educational Conference, would bring pointedly before the Committee the necessity of some greater return for the expenditure of this public money. The table showed the merits of the schools under some seven or eight different heads of instruction, but he would only refer to one. He found with reference to the simple rules of arithmetic that 4,698 schools were reported upon, and at 3,085, or two-thirds, these simple rules were described as being well or fairly taught, at 1,202 they were moderately taught, and at 411, or 10 per cent, they were imperfectly or badly taught. There were, therefore, no fewer than 1,600 schools of which the inspectors were unable to say that this essential element of instruction was even fairly taught. Now, he was not prepared to record his vote in opposition to the present grant; on the contrary, he should be very sorry to take such a course; but he thought he had stated enough to prove that some further consideration was necessary before the House of Commons should go on from year to year making these grants without better security for their employment. Within the last few days there had been an interesting conference on the subject of education, and he could not refrain from expressing his great satisfaction that the Prince Consort should have come forward and exhibited such interest in this subject. That his Royal Highness had displayed his usual ability it was unnecessary for him to say, but it was a great and signal fact that the Prince Consort should have come forward in this way, and it was also most gratifying to see gentlemen assembled from all parts of England to discuss this question. Whether any great or immediate results would ensue from this conference he might be allowed to doubt. He did not wish to be misunderstood. These results would, at all events, he believed, follow from it—namely, an extension of public interest in the question, and a useful extension of information respecting it; and if only these two points were gained there would be much to rejoice at. The main object of the conference was to discuss that unfortunate fact which his right hon. Friend had spoken of as at present the greatest impediment to education — namely, the irregular attendance of children, and the early age at which they left the schools. Now, he had ventured to point out yesterday that one cause of this irregular attendance was the badness of the schools. He was glad to hear this to a great degree admitted by his right hon. Friend; and the fact really was that the schools were to a considerable extent so deficient that the working classes could not be expected to sacrifice the wages of their children for the sake of such imperfect instruction as was imparted there. His right hon. Friend had observed that it was impossible to give the parents any money compensation for the loss of their children's services. This was quite true—they could not give compensation in money; but there was a compensation which they could give and to which the poor man who gave up the wages of his children was entitled—and that was an adequate education. His belief of the working classes was, that if they saw their children properly taught at the schools, and learning there what would be useful to them in after life, they would have no objection to make those sacrifices which otherwise could not be expected from them. In one-third of the best schools of England, as he had shown, the common rules of arithmetic were not adequately taught, if taught at all. Now, those rules entered into nearly all the transactions of life—into the relations of working men with their employers, their landlords, their tradesmen; and how could they be expected to sacrifice those wages which contributed so much to their material comfort, for the sake of sending their children to school where they could not acquire even such elementary though essential knowledge? His object was now answered. He had stated at the outset that it was not his intention to enter generally into the state of education in this country, and that if he felt it necessary he would take another opportunity of doing so. No one would suspect him of being desirous of withholding pecuniary assistance for the advancement of education, but he had thought it his duty to make to the Committee this statement (confined as it had been entirely and completely to the estimate now before them), to show that the time had come for the reconsideration of the present system. As Sir John Kaye Shuttleworth had yesterday remarked at the conference, the people ought to be educated, and they must be educated. We might shirk it as we liked, but the real question at issue before Parliament and the country was, "Will you pay the price?" When, however, the country did pay the price, he thought it was their duty to see that they got the full value for their money.

MR. ALCOCK called the attention of the Committee to the expediency of doubling the present rate of the capitation grant, and of reducing the number of days of attendance from 176 days to 160 days, in order to be entitled to capitation money, and of increasing the grant to masters and mistresses, on account of pupil teachers, from £5 to £10 for the first pupil teachers. The hon. Member said that the number of days at present required for attendance in order to give a claim to the capitation grant was excessive, and ought to be reduced; and the capitation grant itself was too small. With regard to the number of days, when they took off the Christmas week, the Easter week, and the Whitsun week—when they remembered the distance at which children frequently lived in country places from the school, and the consequent difficulty they had in attending in certain states of the weather—when, finally, they recollected how often children were kept at home by the illness of themselves or their parents, he thought that the reduction of the number of days would be no more than reasonable. With regard to the pupil teachers, it was not worth while for any master or mistress to accept the very small pittance of £5, which was now allowed them on account of pupil teachers. It was a miserly and beggarly sum, unworthy of the House, and of the country. For the first pupil teacher, £10 ought to be given, and then, for subsequent ones, even so low as £3 might be given; but, to give but £5 where there was only one pupil teacher was niggardly in the extreme, and did not at all remunerate the master or mistress for his or her trouble and loss of time.

Mr. W. EWART said, he hoped the proposal of the hon. Gentleman (Mr. Alcock) would be ultimately adopted, but he believed that it could not be brought forward as an Amendment on the present occasion, because the forms of the House prevented any hon. Gentleman from moving an increase of a Vote proposed by Government. He fully concurred with the right hon. Gentleman the Member for Droitwich (Sir J. Pakington) in the satisfaction he had expressed with regard to the educational statement which had been laid before the House that night; and also in his approval of that admirable Educational Conference, which had been so happily inaugurated during the past week, and from which he agreed that much advantage must be derived; but he trusted that the duties of the Vice President of the Educational Board would be extended, and that all the educational institutions in the country — the National Gallery, the British Museum, and everything connected with science and art, or that threw, even indirectly, a light upon the educational progress of the country—would come within his duty, so that he should be able to give to Parliament accurate information of the progress of science and art in this country. As to the present system of education, he was one who thought that it could not last. Undoubtedly it was an excellent substitute for a more permanent system, and had done signal good service to the State; but he could not regard it as anything more than a parenthesis in the history of our national education. He must say, on the part of the people of this country, that eventually they must take the charge of education into their own hands, and that a popular system of rating, after the manner of the Scotch or Americans, was the real basis upon which an English educational system ought to rest. What was wanted in the existing system was, the extension of industrial training in schools. It was the just judgment of the people of this country that, if their children were to have any education at all, it should be that which fitted them best to discharge the duties of their daily life; that it was not enough to give them that "little learning," which was said to be "a dangerous thing," but that it should be brought to their hearths and homes, or as Lord Bacon had said, to their "business and bosoms;" and, until that was done, he believed they would find their educational system to be practically deficient. One most important point in connection with the subject was, the education which was given to women. He deeply lamented to say that, in the homely arts of life, and in those things which made them good wives and mothers, the women of the poorer classes in this country were wofully deficient. He hoped, therefore, that whilst attending to the general education of the people, this particular branch of it would not be lost sight of; and that means would be taken for imparting an industrial and household education to the women. He hailed the introduction of the subject of education by his right hon. Friend that night, as the Minister of Education, as a happy augury of its progress hereafter, and he trusted to see the example which had been set that evening extended in future years.

Mr. HENLEY said, he could very cordially agree with the right hon. Baronet and those who had followed him in bearing testimony to the ability with which the right hon. Gentleman (Mr. Cowper) had brought forward his statement that night, and with the hon. Member for Dumfries (Mr. Ewart) that unless the hearts as well as the heads of the people were instructed little real and permanent good would be accomplished. But he could not agree with him that the women in the poorer classes were unable to perform their domestic duties. On the contrary, he believed that it was not that they could not cook, but that very often they had nothing to cook, and taking the length and breadth of the land he believed there would be found in the houses of the poor no deficiency in those comforts which were the result of intelligent management; he believed that there was as much intelligence naturally displayed in the management of the scanty income of a cottager's family as could be taught by any school system. It had been said, and truly said, that the great difficulty which at present existed did not arise from the want of schools, but from the want of scholars, and the statement of the right hon. President of the Board of Education did not, in point of fact, apply to more than one-fourth part of the children who were receiving education from the country; for it had been calculated that of about 2,000,000 children who were receiving instruction in this country, only 500,000 of those children were receiving an education under the control of the Committee of Council. And it was not a little remarkable that the outcry about the difficulty of getting children to attend had proceeded chiefly from those schools—in fact, as he had before stated, the great difficulty to deal with arose, not from the want of schools, but from the want of scholars. He held in his hand a Report from one of the most skilled of our school inspectors, Mr. Canon Moseley. Now, what did that gentleman say? He said that all their efforts had had for their object the perfecting of the elementary school, and that they entertained a hope that when the children derived more good than heretofore from their attendance at school the parents would desire to send them longer, and by degrees public opinion would become so favourable that they would willingly sacrifice for a time the wages which the children could earn; "but," added Mr. Canon Moseley, "I will not conceal from your Lordships that hitherto that hope has been disappointed, because the parents have thought, owing to the schools being now so good, that the children can get all the learning that they consider necessary earlier than they could before, and they therefore take them away sooner." That statement of Mr. Canon Moseley had received a remarkable confirmation in the speech of the right hon. Gentleman opposite, who stated that the schoolmaster complained that he kept his boys till they were ten or eleven, and that they were excellent boys, wrote a good hand, and so on; and that they then went out to work, and returning again at sixteen, or thereabouts, were no better than clods. The right hon. Gentleman had omitted to tell them what sort of capacity for earning a living these boys had acquired when they left school in the first instance; but that was really at the very root of the question—what sort of instruction had the boys received; was it intellectual only, or had they been trained to do their duty in that state of life in which it had pleased God to call them? He was glad to hear the right hon. Gentleman express a hope that the present system would combine the earnest moral training of the ragged school with the more intellectual training of the Privy Council, because he thought that the system hitherto had been rather to exalt intellect at the expense of everything else. He looked upon this as a mistake, and he suggested that they should take care in their examinations that no children took away the prizes of intellect unless they exhibited also a fair knowledge of matters of practical utility. The right hon. Gentleman, speaking of the absence of so many children from the schools, described them in a great measure as the children who swarmed in our courts and alleys. Now, that was just the class that we wanted to get hold of, and however capable the right hon. Gentleman might be of directing science and art and those higher branches of cultivation which grew out of education, he trusted that he would not be led away to neglect those destitute children, who, as the right hon. Gentleman emphatically expressed it, "swarmed in our courts and alleys." It must be remembered that when we spoke of the criminal population as resulting from want of education, it was from that last mentioned class that the criminal population was recruited. He was afraid that we had overlooked that class too long, and that we had been striving too much to improve the quality of the education instead of teaching the people what they wanted to know. The people of this country—in the rural districts, at least—were quite alive to the advantage of education, if the children could be taught what would be useful to them and what would enable them to get through the world better. They always admitted it, and they would tell you that they kept their children at school as long as they could afford it. Another subject for consideration was the state of some of the present Government schools stated to be inefficient. His right hon. Friend the Member for Droitwich had read some reports which were not very flattering to the districts to which they related; and he (Mr. Henley) should like to be informed whether the Government withheld the grant from those schools which did not come up to the conditions that were required of them—whether those schools which were reported on as so inefficient got any share of the grant? That was a point which he should like to hear explained. With respect to the grant now proposed he did not at all object to its amount, and he did not see how they could take a better security for the proper application of the money than by allowing those who contributed two-thirds to one-third by the Government to look after the expenditure. Whatever system they might adopt, there were likely to be some failures, and he certainly preferred this plan of two-thirds' voluntary subscription and one-third contributed by the Government to that which was proposed two years ago by his right hon. Friend the Member for Droitwich, which would have done away with voluntary subscription, and raised half by local rates, while the Government were to contribute the other half. [SIR J. PAKINGTON denied that this was his plan.] That would certainly have been the result of the proposal of his right hon. Friend two years ago; and he should like to know in what way that offered a better security for the efficient expenditure of the money than the plan at present in use. One reason for the shortcomings of the present schools might be that the master devoted too much time to his pupil teachers and too little to his boys; because the pupil teachers were profitable to him, and it was no doubt, more agreeable to an intellectual man to teach the higher branches of learning than to be instructing those who were less advanced. But this was a question for the vigilance of the Government, and their attention being called to it, he had no doubt that they would guard against any inconvenience in that direction. He was very glad to hear that the inspectors were now supposed to be competent—he was going to say needlewomen, but he supposed needlemen was the proper title—it was a very useful accomplishment. What we had heard of Prussia was not calculated to make us too anxious for the system of education pursued in that country. The right hon. Gentleman had said that it was not until after Prussia was overrun by the French that school teaching was established in that country; but what the Prussians did in 1814, when they rose as one man to drive out the French, did not contrast very unfavourably with their conduct in 1848. For his (Mr. Henley's) part, had he been a Prussian, he would a hundred to one sooner have owned his country in 1814 than in 1848. Chevalier Bunsen had published a work in which he had contrasted the Prussian State education and its effects upon the population, with the voluntary system adopted in this country, and its effects, and his statements were not such as should induce us to abandon our imperfect system, if you were pleased to call it so, for that of Prussia. He (Mr. Henley) gave his cordial support to this Vote. He hoped that the efforts of the Government would be directed to those unfortunate children who swarmed in the courts and lanes of our large towns. By getting them into ragged, and, if need were, subsequently into higher schools, we should do away with the chief nurseries of sin and wickedness and consequent crime. It had at different times been urged, with some truth, that we had not yet reached to the lowest depth, and he thought that those poor districts that had hitherto received no advantage from the grant, had reason to complain. He hoped that the right hon. Gentleman would deal specially with those districts in which really special cases existed; but he could not understand the advantage of that remedy which proposed, that because certain districts had hitherto derived no advantage from the funds of the State, the system of aid from the State should be given up altogether, and that these districts should be called upon to tax themselves for their own education. That was a logic he could not comprehend: the country would never grudge the money which might be needed to deal specially with these cases. There was, indeed, no general objection to the amount of this grant. Those who objected to the grant at all, indeed, only did so because they wanted to supply the means of education in some other manner. He was glad to see in the recent Minutes of Council a decreased inclination to interfere, and he hoped that, ultimately, the Government would make the grant so elastic as to include within its four corners all the odds and ends to which he had referred, and thus completely to fill up the ground.

SIR JOHN PAKINGTON explained that, in the Bill to which his right hon. Friend had referred, he did not contemplate the abolition of voluntary contributions for educational purposes. On the contrary, he had always dissented from that most erroneous opinion, that the establishment of a sound system of education which would reach all classes, and all parts of the country, would do away with voluntary contributions.

MR. BUXTON entirely approved the principle on which the Government acted, of helping only those who helped themselves, and thought that, in the case of neglected districts, it was better to wait a few years until the clergyman or some other active person originated a movement for the establishment of schools, than to erect and support them entirely out of State funds.

MR. LIDDELL asked the right hon. Gentleman the Member for Oxfordshire, why, if he attached so much importance to the education of children who swarmed about the lanes and alleys of our large towns, he, on a recent Wednesday, employed his acute intellect, his industry, and his sagacity, to defeat a humble measure which had for its object the training of these very children? It was erroneous to suppose that the establishment of schools and the expenditure of money would educate the people. You never could educate the people until they found out that it was worth their while to be educated. All the changes which were going on around us went to increase the value of skilled labour, and, by consequence, the inducement to parents to send their children to school. So long as a child was learning an industrial employment, however, it was not entirely without education. He contended that, in a great producing country like England, the knowledge of his trade was of the greatest importance to a child. The main point to be ascertained as far as possible, and it was to be hoped that it would be a result attained by that Conference which had just been held under high auspices, was, whether they were receiving that for which they were to pay.

MR. PULLER said, he could not but feel that the speech of the right hon. Member for Droitwich had been, in some degree, an impeachment of the existing system. He did not complain of anything unfair in the extracts read from the Reports of the Government Inspectors, but he thought the right hon. Gentleman should have drawn attention to the fact that, as the present system had been in existence but a few years, it was only during the last two or three years that they had a right to look for any extensive fruits from it. When the Minutes of 1846 were published there were only some three or four training schools for preparing teachers, there were now no less than forty, and, in a short time, they might expect satisfactory results from the teachers who would be sent out from those training schools. It was not by making grants for building schools that they could look for real improvement in education; it was to the master and mistress they must look. The present system was in an advancing state, but the supply of duly qualified teachers was not as yet nearly equal to the demand, and therefore the inspectors, whilst dissatisfied in many cases with the present teachers, did not always think fit at once to displace them, or by withholding their certificate to deprive them of the fruits of their exertions. So also, when the right hon. Gentleman said that the Government helped the rich parishes more than the poor ones, did the right hon. Gentleman wish the Government to begin with the smaller parishes, and advance to the more populous ones? The Government, no doubt, were bound to see whether their rules were not confined within too narrow limits, and if they thought they were, they were bound to consider how they could most wisely relax them. For instance, in ascertaining the amount of the capitation grant to any parish, there was a rule of the Privy Council which excluded all children except those who had attended a full year before the visit of the Inspector. If the child had attended continuously for any number of months and was still attending, those months ought to be included in the computation. Then he objected to the rule of the Privy Council, which did not allow the capitation grant to a mixed school with a certificated mistress, where the population was over 600. That was too low a limit, and prevented the schools in many small parishes from obtaining the benefit of the capitation grant.

COLONEL SYKES said, he objected to the present system of national education, on the ground that it did not combine religious with secular instruction. The difficulty, he thought, might be thus met. Supposing a general rate for education; the grant voted to each religious denomination might be proportioned to its numbers, which could be readily ascertained from the census. The whole sum allotted to educational purposes might be divided *pro* *ratâ* amongst the various denominations, and thus each would educate their children according to their own views, and imbue them with their own principles ; and thus they would cheerfully combine religious with secular instruction. No doubt there were difficulties in this plan ; because in some parts of the country a particular religious community might be so weak as not to be able to support a school ; but all difficulties would be met by persevering energy. Education was not the mere teaching a child to read, write, and cast up accounts ; it was the implanting in the mind the powers of comparison and deduction by a careful observation of the affairs of life, with a view to the regulation of self-conduct.

MR. HARDY said, that those who were opposed to the present system were unable to point to any other system which they could substitute for it. The compulsory system which existed in Prussia could not be applied to this country. He would remind the Committee that in a town of Prussia, containing only 14,000 inhabitants, 10,000 were summarily convicted for not sending their children to school. Now, if such a state of things existed in Prussia, what might be expected in this country under a similar system, where there was perfect freedom of religious and political opinions, and where the people would never tolerate any such interference with them ? He had no difficulty in supporting the Vote, because, while it acknowledged the supervision of the State, it also acknowledged the voluntary efforts and tended to encourage the moral and religious energy of the people, without which all educational schemes would be nought. Educational machinery might be set up in every part of the country, but inasmuch as men were of a different material from that on which machines were meant to work, and inasmuch as men could not be cut all into exactly the same shape, or drilled to present the same uniform appearance as a Russian regiment, such machinery by itself would be useless. With regard to the schools for the poorer population which had been alluded to, what he should wish would be that the inspectors should look carefully after them to see whether they were conducted by men who gave their whole minds and their moral and religious feelings to the work, and, if they were, that they should then be aided liberally by the State. The hon. Member for Dumfries (Mr. Ewart) seemed to accuse the clergy of slackness in the work of educating the people, but this opinion was very different from that of Mr. Kennedy, who, in his Report said,—

> "That he could not but attribute the main educational work effected in England (since 1843) to their zeal and labour, aided by the more wise and religiously-disposed members of their flock, but still essentially their work—theirs in scheme and design, in the collection of the funds, in careful supervision, and in many cases in actual teaching."

He admitted that the laity had not aided this work by their exertions and their funds so energetically as they ought to have done; for, after all, the great point was to foster this voluntary spirit, which was daily gaining more advocates in that House, and therefore in the country. The great difficulty seemed to be the early age at which the children left the school, but it was quite a mistake to think that difficulty could be got over by an educational rate or by compulsory attendance ; so long as children could begin at thirteen years of age to earn as good wages as were given to pupil teachers, it was quite impossible to insure their whole attendance at school. And, after all, the industrial teaching which they got in the work-shops, in the mill, or on the farm, was quite as important a part of their education to them as reading and writing. If this industrial education could be combined with the elementary instruction of reading, writing, and arithmetic, without attempting to carry them to the higher branches, which it was more for themselves to attain, the chief difficulty would be solved, for that difficulty was how to give the child instruction without withdrawing him from profitable employment. Young people were applying their industry to the best possible object when they were applying it to getting their own living, and the point was to add to that moral and religious education. On a future occasion he hoped to be able to explain at length the grounds of his objection to an educational rate, to which he believed the best friends of education would be found uniformly opposed. From what he had read of the Reports of the inspectors, he was convinced that there was a steady uniform educational progress, and he thought that might be best furthered by a system which fostered the voluntary energy of the people under a close and efficient Government supervision.

Mr. W. EWART explained that he had not meant in the least to undervalue the labours of the clergy. What he had said was that it would be fortunate if they would attend to the moral instruction of the women, and more particularly the younger class of females, so as to prepare them for other education.

Mr. BERESFORD HOPE thought it extremely inconvenient to include the elementary education and the scientific education under one class of Votes. The administration of the elementary educational Votes would soon be as much as the present department could manage, and the Votes for scientific and art education and schools of design would come far more legitimately under a department of public works, fine arts, and science, than it would under the organization of the Committee of Council.

Mr. COWPER, in reply, acknowledged that the hon. Member for East Surrey (Mr. Alcock) had shown good reason why these capitation grants and payments to pupil teachers might be increased with advantage to the schools. It was not possible for him, however, to adopt the hon. Member's suggestion, as it was contrary to the general principle on which the Committee of Council acted, which was to get the maximum advantage at the minimum expenditure. That seemed to be attained by the present arrangement. The suggestion thrown out by the hon. Member for Herts was well worthy of consideration, but the ground on which the pupil teachers only received payment for twelve months was because the time was arranged from one inspection to another. The right hon. Member for Droitwich had complained that the education afforded in district schools was exceedingly imperfect. He (Mr. Cowper) found, however, in the Report of Mr. Tufnell, a comparison between the acquirements of the children educated in those schools and the acquirements of persons who were candidates for appointments in the civil service. Mr. Tufnell adopted as his test the words that had been misspelt by candidates for Government appointments, and he stated that in two of the district schools, containing seventy children, sixteen spelt the words correctly, nineteen committed one error each, eleven committed two errors each, and only one boy committed nine errors. It appeared, therefore, that these children, who were below twelve years of age, were better able to spell than many persons who had been educated in middle or upper class schools, and whose ages ranged between seventeen and forty years. He (Mr. Cowper) must say he believed that much better elementary education in reading, writing, and arithmetic was afforded in the district schools than in many of the middle and upper class schools. It was quite true, as the right hon. Member for Droitwich had stated, that schools of which a favourable report was not given by the inspectors did not receive any grants.

Mr. MAGUIRE said, it was well the Committee should know that the fault lay less with the parents than with the culpable indifference of the class that called itself foremost. Mr. Kennedy, in reporting upon the educational state of Lancashire and the Isle of Man, said that comparatively few persons in Lancashire felt any real concern to see the people at large educated; that a few persons made a good deal of noise on the subject, but a still smaller number carried on the work liberally and zealously; and that the mass of persons were still hostile, or at best indifferent, on the matter. "A public feeling in Lancashire for education," said Mr. Kennedy, "has yet to be created." He (Mr. Maguire) asked what answer hon. Gentlemen connected with Lancashire could give to this damning indictment against them. It had been stated the other day by Prince Albert that out of 5,000,000 children in this country, between the ages of eight and fifteen, only 2,800,000 in England and Wales received any education whatever. He (Mr. Maguire) thought such a state of things was most disgraceful, and ought to make Englishmen pause before they indulged in taunts with regard to the system of education adopted in other countries. He considered that the statement of Mr. Kennedy as to the state of things in Lancashire was a complete answer to the advocates of the voluntary system of education, and that nothing could be better thnn the plan now in operation under Government supervision, which afforded ample room for voluntary efforts in particular localities.

Mr. AKROYD said, he thought the only portion of the estimate to which any well-founded objection could be made was the capitation allowance. He took deep interest in this subject, and believed that any measures which tended to raise the standard or pupil teachers would be attended with most beneficial results.

Mr. CHEETHAM denied the accuracy of the statement quoted by the hon. Member for Dungarvon (Mr. Maguire) from Mr. Kennedy's Report, and observed that there were few places in the kingdom which could boast of more public institutions devoted to educational purposes than Manchester and the other large manufacturing towns of Lancashire. He was convinced that the general establishment of Sunday schools had been attended with the utmost advantage to the mass of the manufacturing population, and if he had to choose between conflicting methods of instruction, he should prefer the method adopted in those schools.

Mr. GARNETT also defended Lancashire from the imputation cast upon it in the extract read by the hon. Member (Mr. Maguire). In the county town which he (Mr. Garnett) represented there was a national school which Mr. Kennedy himself said was a model school for England. The extraordinary assemblage of 80,000 children to greet Her Majesty when on a visit to Lancashire testified that the people of that county were not so insensible to the cause of education as had been attempted to be shown.

Viscount MELGUND said, they had heard nothing as to the feeling with respect to this Vote in Scotland. He was convinced that the system now in operation would never have received the sanction of the people of Scotland if it had been introduced by a Bill before that House; and he did not see why this important matter should be provided for by annual Vote when other things of less importance were settled by Act of Parliament. The system was sectarian in its character and productive of many evils in that respect. In the county with which he was connected (Roxburgh) the United Presbyterians, who were more numerous than the Free Church and the Established Church, did not take advantage of this grant. Believing that the Vote ought not to be increased, he moved as an Amendment that it be reduced by the sum of £90,020, being the increase as compared with 1856.

Motion made, and Question proposed, "That a sum, not exceeding £271,213, be granted to Her Majesty, to complete the sum necessary to defray the Charge for Public Education in Great Britain, to the 31st day of March 1858."

Mr. AYRTON rose to address the Committee, but being met by loud cries for a division, moved, That the Chairman do report progress.

Viscount PALMERSTON hoped, after the interesting discussion that had taken place, that the hon. Member would not press his Motion, but allow the Committee to come to a conclusion upon the Vote.

Mr. HADFIELD hoped his hon. Friend (Mr. Ayrton) would not withdraw his Motion. Those who opposed the Vote had had no opportunity of expressing their opinions. It was impossible to do justice to such a subject after half-past Nine o'clock, the hour at which the discussion began. ["Divide, divide!"]

Motion made, and Question, "That the Chairman do report progress, and ask leave to sit again," put, and *negatived.*

Question again proposed.

Mr. HADFIELD repeated that no opportunity had been given to those opposed to the Vote to express their opinions, and moved that the Chairman leave the Chair.

Viscount PALMERSTON hoped his hon. Friend would not press that Motion, which, if carried, would close altogether that Committee of Supply.

Mr. HADFIELD said, he had been driven to make the Motion. It was a case of necessity. ["Divide!"]

Mr. DILLWYN complained that by the hasty way in which the Chairman had decided the Motion to report progress of the hon. Member for the Tower Hamlets (Mr. Ayrton) to have been negatived, the hon. Member, he (Mr. Dillwyn), and others on that side of the House, who would have supported him, had been precluded from going to a division. When the Chairman, after putting the question, said the "Noes had it," he (Mr. Dillwyn) and his hon. Friend the Member for Sheffield (Mr. Hadfield) cried out that the "Ayes had it," but in the confusion of the moment the Chairman did not appear to have heard them, and decided against them.

Lord JOHN MANNERS was understood to say that he distinctly heard the hon. Member (Mr. Dillwyn) say the "Ayes had it" after the question was put.

Motion made, and Question, "That the Chairman do now leave the Chair," put, and *negatived.*

Question again proposed.

Mr. DILLWYN said, he supposed he should be now in order if he moved that the Chairman report progress, and he moved accordingly.

Motion made, and Question, "That the

Chairman do report progress, and ask leave to sit again," put, and *negatived.*

Question put, "That a sum, not exceeding £271,213, be granted to Her Majesty, to complete the sum necessary to defray the Charge for Public Education in Great Britain, to the 31st day of March 1858."

The Committee *divided:*—Ayes 7; Noes 163: Majority 156.

Original Question put, and *agreed to.*

The House resumed.

Resolutions to be reported *To-morrow.*

Committee to sit again *To-morrow.*

HARBOURS OF REFUGE—COMMITTEE.

MR. WILSON moved the nomination of the Select Committee to inquire into this subject.

Motion made, and Question proposed, "That Mr. WILSON be one of the Members of the Select Committee on Harbours of Refuge."

MR. E. ELLICE (St. Andrews) opposed it. If the Committee were appointed at all it should be referred to the Committee of Selection for nomination. He would move that the nomination be deferred for six months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the nomination of the Select Committee on Harbours of Refuge be postponed," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. KINNAIRD also opposed the nomination of the Committee at present, and seconded the Amendment.

MR. CHEETHAM concurred in desiring postponement.

SIR WILLIAM JOLLIFFE, as it was now a quarter to Two o'clock, moved that the debate be adjourned.

MR. PEASE hoped that no unnecessary delay would take place in the appointment of the Committee.

LORD ADOLPHUS VANE-TEMPEST also supported the appointment of the Committee.

LORD NAAS recommended the postponement of the Committee.

Motion made, and Question, "That the Debate be now adjourned," put, and *negatived.*

Question again proposed, "That the words proposed to be left out stand part of the Question."

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Ordered, That Mr. WILSON be one of the Members of the Select Committee on Harbours of Refuge.

Mr. LOWE, Mr. BARING, Lord NAAS, Lord ADOLPHUS VANE-TEMPEST, Mr. KENDALL, Mr. LIDDELL, Sir FREDERICK SMITH, Mr. PHILIPS, Mr. HASSARD, Mr. AUGUSTUS SMITH, Sir ROBERT FERGUSON, Mr. JOHN HENRY GURNEY, Mr. TRAILL, and Lord JOHN HAY, nominated other Members of the said Committee:—Power to send for persons, papers, and records:—Five to be the quorum.

House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Friday, June 26, 1857.

MINUTES.] PUBLIC BILLS.—1ª Oaths; Charitable Uses.

2ª Court of Exchequer (Ireland).

3ª Ministers' Money (Ireland).

ROYAL ASSENT. — Princess Royal's Annuity; Cinque Ports Act Amendment; Transportation and Penal Servitude.

DISTRIBUTION OF THE VICTORIA CROSS.

OBSERVATIONS.

THE EARL OF DONOUGHMORE said, that having seen a notification that tickets for admission to places to witness the ceremony of distributing the Cross of Valour could be obtained by application to the Quartermaster General's Department, he had applied, but had not received an answer—no doubt because the number of tickets was exhausted; but he thought it rather hard that as 6,000 or 7,000 persons had been admitted to places, a Member of their Lordships' House was unable to obtain one.

LORD PANMURE said, no doubt there was a general understanding that tickets of admission could be obtained on application to the Quartermaster General, and many Members of both Houses of Parliament having applied got tickets. He hoped the noble Earl would make some allowance for what had occurred, when he stated that 20,000 applications for tickets had been received, and Sir Richard Airey had been obliged to apologize by advertisement for not answering all the letters he had received.

THE MARQUESS OF CLANRICARDE said, he had had the advantage of possessing a ticket, and had enjoyed every possible convenience, so that on personal grounds he had no reason to complain; but he thought it an error that in cases of this sort Members of that House should have to apply for tickets to a subordinate officer. He did not make any complaint against Sir Richard Airey, but he thought on occasions like these Peers and Members of the House of Commons ought always to have accommodation provided for them in their collective capacity. It had always been the practice to do so; it was so at Lord Nelson's funeral; it was so at the Duke of Wellington's funeral; and he thought it was not a very dignified course for their Lordships and Members of the other House to be applying, as a matter of individual favour, for that which ought to be granted as of course to Members of both Houses of Parliament.

Lord VIVIAN said, that less mindful than many Members of the House of Commons, he had not applied to the Quartermaster General, and at the last hour he was obliged to get a ticket from another quarter; and he could say that it was impossible that any arrangements on the ground could have been better than those which had been made.

PROSELYTISM IN IRELAND—THE KILKENNY MAGISTRATES.

SELECT COMMITTEE MOVED FOR.

Viscount DUNGANNON rose to call the attention of the House to the Conduct of certain Justices acting in the City of Kilkenny, and to move for a Select Committee to inquire into and report upon the same. The noble Viscount said that he was fully aware of the invidious nature of the task which he had undertaken, and nothing but a strong sense of duty had led him to undertake it; because, although it was never a pleasing thing to become the accuser of any class of persons, it was especially disagreeable when those persons were public functionaries. Therefore, in bringing the subject before their Lordships, he should avoid as much as possible going into details. In the month of January, 1856, several Scripture readers were assaulted and very much injured in the streets of Kilkenny by a mob of Roman Catholics. The case was brought before the justices of Kilkenny. Those justices were the mayor, Mr. E. Smithwick, Mr. Potter, Mr. Marshall, and Mr. Cullen, all Roman Catholics; Mr. Greene, the stipendiary magistrate, his brother, Mr. Newport Greene, and Lord James Butler, Protestants. In the course of the case Mr. Smithwick took a very decided course against the Scripture readers. That gentleman appeared more in the character of an advocate than of one of the justices; and he endeavoured to make out that the Scripture readers had posted upon the walls of the town offensive placards against the Roman Catholic religion. He inquired of Mr. Curtis, the superintendent of police, whether he had sent out Roman Catholic police to take part in the matter in which the Scripture readers were concerned. The answer of Mr. Curtis was, that he had sent out the police in their proper turn, without reference to their religious creed. Upon that Mr. Smithwick observed that it was a most improper thing to do; and that he, being a Roman Catholic, would have disobeyed the order —he considered that any Roman Catholic constable was justified in disobeying such an order. He (Viscount Dungannon) asked whether any magistrate was justified in making use of such an expression? It was true that he modified the observation on a subsequent day, but in his opinion that modification amounted to a distinction without a difference. During the examination of a Mr. M'Neill, one of the witnesses, Mr. Wynne, a Roman Catholic attorney, said to him, without being checked by any of the justices except Lord James Butler, "Go down, sir; I should be very sorry to be near you with any money in my pocket." The inquiry was afterwards adjourned to the 20th of the same month, when the case was dismissed upon the ground that the magistrates were indisposed to believe what the Scripture readers had stated. Lord James Butler, however, declared that, in his opinion, the cases of assault had been fully established. Mr. Smithwick upon this occasion stated, in explanation, he did not mean to say the constables should have disobeyed the order, but that he thought it very wrong to send out Roman Catholic constables to protect those who were the enemies of their faith, and to hear things which would be insulting to their religion. No proof had been afforded that anything insulting to the religion of the Roman Catholics had been uttered by the Scripture readers. He would not enter upon the question how far it was advisable or otherwise to send forth those Scripture readers among the Roman Catholics, but their vocation was a lawful one, and so long as they kept within the bounds of the law they were entitled to protection. Here he could not help calling attention to the social position of some of these persons, who had been entrusted with commissions of the peace. Two of them kept small shops, in which they sold drams and whisky. The mayor also kept a small grocery shop in which whisky was sold. Mr. Smithwick was a brewer, and in a better position of life, but still, like his brother magistrates, not fitted by education to discharge the duties of a magistrate. He did not mean to say that the Roman Catholics must necessarily be wrong, and the Protestants right; but he could not help looking with more confidence to such men as Lord James Butler and Messrs. Greene, than to persons of such station as those to whom he had been referring. He wished he could have done with Mr. Smithwick here, but he should have to bring that gentleman before them in a still more objectionable light. In January of the present year two boys, twelve and thirteen years of age, while going about distributing tracts, were cruelly and severely beaten with a whip by a man named James Ryan, in the employ of Mr. Smithwick. He was brought before the bench on a charge of assaulting them. Mr. Smithwick gave evidence to the effect that he believed the man was utterly incapable of the act imputed to him, and then sat upon the bench and adjudicated upon the matter. A letter was afterwards written to a newspaper by Mr. Newport Greene, the stipendiary magistrate, saying that the decision was directly contrary to the evidence. He appealed to noble Lords whether, if such an act had been committed by any magistrate in this country as that of adjudicating upon a case in which he was directly or indirectly interested, he would not merely be cautioned and reprimanded, but struck off from the commission of the peace? There was also another charge of assault against several parties, and although evidence was given by the police of the extreme ill-usage which the prosecutors received, all of them were acquitted except one, who admitted that he had struck and tripped up one of the complainants. That person was convicted, but only fined 6*d*. Those three cases showed, at least, a disregard of the rules of justice, which would fully warrant the inquiry for which he intended to move. The impartial administration of justice was everywhere most essential, but more especially was it essential in that country where, lamentable as might be the fact, party feeling of a religious character prevailed, and nothing would tend more to lower the courts of petty session in the estimation of the public, than the idea that in any case pending between a Roman Catholic and a Protestant, the result must depend on whether a majority of justices of one persuasion or the other might chance to sit on the bench at the time. He asked for even-handed justice to all classes, of whatever religious persuasion they might be.

Moved, "That a Select Committee be appointed to inquire into and report on the Conduct of certain Justices acting in the City of Kilkenny."

EARL GRANVILLE said, he need scarcely assure their Lordships that his noble Friend the Lord Lieutenant of Ireland was as anxious to extend even-handed justice to all classes of Her Majesty's subjects in that country as the noble Viscount himself could be, and he believed no departure from that principle had taken place in the cases to which the noble Lord had called attention. The statement made by the noble Lord in reference to the charge against Mr. Smithwick was substantially the same as the report which appeared at the time in *The Kilkenny Moderator*. The Lord Lieutenant having had his attention directed to that report, called upon Mr. Smithwick for an explanation; whereupon that gentleman wrote a letter stating that the report of what he had said on the 12th was quite incorrect, and what he had said on the 19th was much misrepresented; that a great deal of what he said was omitted, and much more misrepresented, and that the expressions attributed to him by the reporter he had never used. This explanation was accepted by the Lord Lieutenant as satisfactory; but he wrote at the same time to say that had it not been so he should have taken other steps. It would be a great mistake to interfere with the administration of justice by the local authorities without sufficient grounds. In the other case a trivial assault was committed; it was disposed of by the magistrates, and no complaint was made to the Government by the party who might be supposed to be aggrieved by the decision; but at a subsequent period a body of gentlemen calling themselves the Protestant Association, but whom the Protestants of Ireland repudiated as representing them, took up the matter and made this charge against the magistrates. That being the case, the

Government did not consider there was any ground for inquiry. With regard to the Scripture readers, he thought it was a point worthy the consideration of those excellent men who desired to propagate the true faith of the Protestant religion amongst the Roman Catholics of Ireland, that they should pay some attention to the manner in which some of the persons they employed endeavoured to carry out the holy cause in which they were engaged. He (Earl Granville) had letters in his possession from chief constables and other functionaries, showing that the Scripture readers were in the habit of stopping Roman Catholics in the public thoroughfares, denouncing and ridiculing the peculiar tenets of the religion which their listeners professed, and thrusting their tracts upon unwilling passers by, interlarding their discourse generally with attacks on Her Majesty's Government. Their Lordships, he thought, would agree with him, that this was not the mode of propagating the Protestant faith amongst the Irish Roman Catholics, but that, on the contrary, it was the most likely means of exciting the public mind, and occasioning breaches of the public peace. To hold out the slightest encouragement of protection to persons engaged in proceedings of this character would therefore be most imprudent, and he would advise those who felt an interest in the progress of our religion to watch narrowly the conduct of these persons, and to check this excess of zeal. It was a very difficult matter for Government to afford protection to such persons, because the very fact of such protection enabled and encouraged them to persevere in offensive denunciations of the religion of their auditory. The one charge referred to by the noble Lord it appears was founded in error, and the other having been disposed of by the magistrate, and no complaint having been made by the parties themselves, he submitted that there was no case for interference on the part of the Government or of their Lordships. It must not be supposed that in these cases the Roman Catholic magistrates were always wrong and the Protestants always right, even were it possible for the Government to make any distinction either upon religious or personal grounds. They could not place more reliance on one magistrate than another because he happened to be a Protestant, or because he happened to belong to a high and wealthy family. He trusted that their Lordships would agree with him that no ground for an inquiry had been made out.

The Earl of DERBY said, that the noble Earl had failed in meeting the allegations of his noble Friend. The charges did not appear to be of a very grave nature; but two cases had been brought forward which, supposing the facts stated by his noble Friend to be correct, showed gross partiality on the part of a certain magistrate; and admitting that the superior credibility of one magistrate over another was a question that the Government could not entertain, much less a Committee of that House, still he thought the statement of his noble Friend demanded some more explicit answer than it had received. Mr. Smithwick, having been called upon to explain the language he used, it appeared contented himself with saying that the report was incorrect, and that what he said had been misrepresented by the newspaper; but it would have been more satisfactory if he had gone a little further and stated what he did say, and left others to judge of their effect. The important fact that he came forward and gave a character to the accused, and then as a magistrate gave his casting vote in his favour, was not denied; and supposing that such a circumstance actually took place, he must say it was one that was calculated to cast suspicion on the due administration of justice by the local tribunals of Ireland. It appeared to him that the subject was one that demanded more investigation than it had received; but he was not prepared to say that questions of this kind ought to be inquired into by Committees of that or the other House of Parliament. The proper course of proceeding was by reference to the Court of Queen's Bench in Ireland, and he was surprised that that course had not been adopted. One of the faults of the administration of justice in Ireland was that in every case of doubt or difference the Government was appealed to, and the impression generally prevailing that the result of such appeals depended upon the political feeling of those in high office. This was a great evil, and went far to destroy the independence of the local judicial authorities. He presumed his noble Friend did not intend to press his Motion for a Committee, which was one he (the Earl of Derby) could not support; but he thought his noble Friend was fully justified in bringing the case under their Lordships' attention, as one that demanded searching investigation on the part of the Government.

The Marquess of WESTMEATH said, that the practice of resorting to the Executive in Ireland as a court of redress in cases where the administration of justice was concerned had grown into an enormous evil. The principle of the Government ought to be to discourage such appeals, and to throw the full weight of their proper responsibilities upon the magistracy of the country. Perhaps, if that was done, a little less anxiety would be shown for the attainment of the commission of the peace and a greater ambition to become acquainted with the duties of magistrates. Cases like that brought forward by the noble Viscount that evening had been of late years of very frequent occurrence in Ireland, and he thought he was justified in saying that, *primâ facie*, they invariably put the Roman Catholic clergy in the wrong. For these Scripture readers were men whose characters had been closely scrutinized before their appointment to office; and, as far as his experience went, he must say they performed their duties in an inoffensive manner. On the other hand, they were habitually subjected to every species of malicious usage; as, for example, to having their garments covered with spittle. He mentioned that for the sake of justifying the missionaries, and to prove that where disturbances arose they could not fairly be attributed to them.

Viscount DUNGANNON, in reply, said he did not think that the noble Earl opposite had sufficiently met his statement, for he had made no reply whatever to the graver charge against Mr. Smithwick of having adjudicated in a case where his own servant was defendant. Still he would not press his Motion to a division, but content himself with expressing a hope that what occurred that evening in their Lordships' House would not be without its proper effect upon the country.

Motion (by Leave of the House) *withdrawn.*

ADMINISTRATION OF JUSTICE IN INDIA—PETITIONS.

The Earl of ALBEMARLE rose to present three petitions from the inhabitants of Calcutta; of British residents in Calcutta and the Mofussil districts of the Presidency of Fort William in Bengal, and not in the service of the East India Company; and landed proprietors, Indigo planters and merchants and traders in Calcutta, and the lower provinces of Bengal; against the abolition of Her Majesty's Supreme Court of Calcutta. The prayers of those petitions were in some degree different, but they all concurred in condemning those changes in the criminal law of India which were understood to be in contemplation, and which were recommended by the Indian Law Commissioners. Those changes would affect nearly every principle to which the people of this country attached importance. They would affect the implied conditions upon which British subjects had been induced to invest their capital in India, and would, if carried out, have the effect of driving most of the wealthy capitalists from the country. The petitioners were active, intelligent men, by whose exertions the resources and wealth of India had been developed, who sent annually £13,000,000 worth of produce to this country, besides £7,000,000 in one article — opium — to China. Upon that article they paid taxes which realized £3,500,000 a year, and without which the Indian Government would be reduced to a state of complete bankruptcy, its normal condition being a deficit of £2,000,000 annually. The petitioners complained of two sets of measures; one was actually under the consideration of the Legislative Council of India—the creation of a new procedure. To that the petitioners offered no objection, believing that any procedure must be an improvement upon the discreditable state of anarchy in which the courts of that country had been for nearly a century. They did, however, object that a new class of magistrates was to be created, and that British residents would be deprived of the protection of the laws of their country, if the functions of the Supreme Court were to be handed over to the magistrates and police of the Mofussil or Provincial Courts. The petitioners objected to the amalgamation of the Supreme Court and the Sudder Courts—that was of the Queen's and the Company's Courts—believing that the effect of that amalgamation would be not to raise the Sudder Courts to the estimation of the Supreme Court, but to lower the condition of the British residents in India to the miserable condition in which the Natives were now placed. The petitioners further objected to being deprived of the writ of Habeas Corpus and of trial by jury, as recommended by the Commissioners. The petitioners claimed, as heretofore, an exemption from the criminal jurisdiction of the country courts, until those courts should be presided over by competent and professionally qualified judges. After the comments which had already been made upon the report of the Lieutenant Governor of Bengal, it was unnecessary to quote much evidence; but, in order to show the unanimity which prevailed upon this subject, he (the Earl of Albemarle) would just read an extract from one of the petitions:—

> "The criminal courts of the East India Company have been the dread and terror of the people. They are used as instruments of outrage and persecution. Convictions in them are regarded as evidence as much of misfortune as of guilt."

These courts gave immunity to the gang robber, and were terrible only to the innocent. The gang robber knew, to borrow the words of the Lieutenant Governor, that "the administration of criminal justice in India is considered a mere lottery, in which the prizes are in favour of the guilty." That fact was also known to his unhappy victim. Although proverbially disposed to litigation and little inclined to show mercy to those who had injured them, the Bengalese could hardly ever be persuaded to prosecute for robbery, "from the full conviction," to borrow again the words of the Lieutenant Governor, "that the guilty men will be acquitted in the teeth of the clearest evidence." Mr. Halliday stated that very few of the heinous offenders were brought to justice at all. Of every 4,000 persons charged with heavy crimes one-half eventually escaped. That was not owing to the want of evidence, for evidence was too easily procurable; but because the magistrates and judges were perfectly conversant with the manner in which the evidence was obtained, knowing the torture that was inflicted upon the prisoner and the witness. He would give one example of the mode in which evidence was got up as stated by Mr. Kenny, an indigo planter, at a great public meeting held to petition against the "Black Act," as the measure with which the British subjects were threatened was universally called in India. Mr. Kenny related that in the village in which he resided, the body of a boy was found hanging to a tree. The circumstance was reported to the superintendent of police, and by him was brought under the notice of the magistrate. The latter took it into his head that the boy had been murdered, and told the superintendent that he was to bring the murderer before him within seven or eight days or to resign his office. The superintendent returned to the village and selected the master of the boy as the murderer. The man denied it. He was put to the torture, but persisted in declaring his innocence. The superintendent then seized upon an old woman in the neighbourhood. She was tied down; fire was applied to her nostrils and other tortures were resorted to which he could not describe to their Lordships unless they ordered the reporters to withdraw. The superintendent gained his object; the woman criminated the man, and both were brought before the magistrate. The woman then stated, that all she had said was under the influence of torture, and the magistrate dismissed the case, with a slight reprimand to the superintendent, telling him to be more cautious for the future. Plenty of similar cases might be brought before their Lordships; and it was with such administrators of the law that the British inhabitants of India were now threatened. Having now described the evil, he would proceed respectfully to suggest the remedy. He would suggest that the law should be administered by professional lawyers, and that there should be courts in proportion to the population and the area, including Benares, Patna, and other great commercial towns. He should also like to see unpaid magistrates, Native and European, wherever procurable; and he believed that if the courts were presided over by professional Judges, there would be no difficulty in finding an unpaid magistracy. He wished it to be distinctly understood that these courts should be open, entirely independent, and placed on the same footing as the Supreme Courts of our own country. He had high authority for stating that the *lex loci* should be the law of England. This was no new experiment. The law of England had been tried in four different countries. Persons of every religion, and of almost every nationality, had come under its influence, and it had given universal satisfaction from the security it offered to liberty and property, and the readiness with which it might be adapted to native laws and customs. But, it might be asked, how did he propose to pay the expenses of these works? The answer was a simple and obvious one—namely, that the same remuneration which was given to the incapable and incompetent boy-judges who now administered injustice should be continued to the professional lawyers. We now sent a young man of twenty out to India—a paid covenanted servant—for judicial employment. Till he reached the age of thirty, he could not properly be placed upon the bench. After twelve years more he was entitled to a retiring pension, so that while we paid him for twenty-two years' service he did only twelve years' work. The professional lawyer, on the other hand, educated himself; and he had reason to believe, from inquiries which he had made, that there were many gentlemen belonging to the English, Scotch, and Irish bars who would be perfectly ready to go out, provided they received the same salaries and retiring pensions that were now enjoyed by the servants of the East India Company. With these remarks, in the full conviction that the importance of the subject was recognised by Her Majesty's Ministers, he would lay the petitions on the table, unaccompanied by any Motion, hoping that the hands of the Legislative Council would be stayed until the question had been brought before their Lordships by one more competent to deal with it than himself.

The Marquess of CLANRICARDE regretted to be obliged to infer from the silence of the Government that no progress was really being made in the decision of what he would venture to call the most important branch of the great Indian question. The state of India now was such that British capital, enterprise, and skill could alone be expected to develope its resources, restore its finance, and make it a valuable possession, instead of a burden upon this country. The advice given the other day by the Chairman of the Court of Directors to the merchants and manufacturers of Manchester—that they ought themselves to extract a supply of cotton from the soil of India—was very sound and judicious; but the great impediment to the establishment in India of indigo planters and cotton speculators was the maladministration of justice. British people would not venture their persons or embark their property where they had not the protection of good laws. He differed from the petitioners upon one important point. They prayed that no alteration should be made in the Supreme Court. He thought the Supreme Court ought to be amalgamated with the Sudder Courts. The Supreme Court gave universal satisfaction to Europeans and Natives, and it was as good as the Company's Courts were bad. He wanted to know why, after the amalgamation had been announced by Sir Charles Wood, years ago, it had not taken place? It was said that it was necessary to refer the matter to the Legislative Council in India. From that opinion he dissented, and he reminded the noble Earl (the Earl of Ellenborough) who on a former occasion had expressed his concurrence in it, that in 1833 he entertained a different view. Upon the ground of retaining the independent character of the Supreme Court, which had greatly contributed to raise it in public estimation, he thought that Parliament was the place where such legislative acts ought to be done. He doubted, indeed, whether, legally, the Governor General and Legislative Council had power to touch the Supreme Court. A clause in the Act of 1833 provided that the Governor General should not have the power of making any laws or regulations which should in any degree affect any prerogative of the Crown or the authority of Parliament, and another clause provided that the Governor General should not abolish any of the courts of justice established by Royal charter. The Supreme Court was established by charter, and, therefore, the Governor General and Legislative Council had no power to abolish it. But if it were contrary to Statute Law to refer the power of amalgamation to the Governor General and Legislative Council in India he submitted that the only proper course was to legislate here. The Judges of the Company's Courts, it should be remembered, were civil servants, who had received no previous legal training. The present system was one, therefore, which, in his opinion, required alteration. He saw no reason why a man should be sent out to discharge the duties of a magistrate in India simply because he had been called to the bar in this country; and there were, he thought, various modes by which a person's practical knowledge of the administration of the law might be tested before he received any such appointment. The noble Duke the Postmaster General had, upon a former occasion, stated that lawyers in this country got no regular professional education. That might be the case; but such men were never made Judges; and he might add that the magistrates in India disposed of cases of life and death without possessing the same competence to the discharge of their important functions which existed in the case of those who performed similar duties in this country, and without being exposed to the exercise of the same degree of watchfulness upon the part of the public. We sent out our civil servants to be collectors of revenue, and if it was found that they were not sharp enough for that position they were made magistrates, and even Judges after the lapse of a certain time. The system was, in fact, one of the most objectionable character, and he was only surprised that it could have lasted for so long a period. There were in our Revenue and Customs Departments in England men who discharged their duties in a manner the most admirable, but who, he should like to know, had ever thought for a moment of allowing them to preside at the Old Bailey or in the Court of Common Pleas? It was no wonder that petitions were submitted to their Lordships praying for some modification of a state of things which operated as a great grievance in India, and he trusted the petitioners would receive at their hands that redress to which they were entitled. He would conclude by asking whether it was within the competency of the Legislative Council at Calcutta to repeal, alter, or nullify an Act of the Imperial Parliament, and to assume the powers of a perfectly independent Legislature, by rejecting Bills laid before them in pursuance of announcements made to Parliament by the Ministers of the Crown.

The Duke of ARGYLL deprecated these repeatedly recurring discussions on the subject of India. The question raised by these petitions was whether Parliament should act upon the recommendation of the Indian Law Commissioners as to the amalgamating of these courts; but, surely, Her Majesty's Government were not open to censure for not acting on that recommendation without due consideration. There was not that concurrence of opinion on the subject that the noble Marquess seemed to suppose. He had had sent to him a pamphlet which emanated from a gentleman who represented the interests of the Europeans residing in Bengal. It was stated that the Queen's Judges, the Company's Judges, as well as the Members of the Council, together with the writer himself, who represented himself as a lawyer and a law reformer, regarded the plan recommended by the Commissioners, as a whole, as crude and impracticable. If the Government in India were not competent to hit upon a plan for the formation of a new court, then it would be for the Imperial Legislature to take proceedings in the matter; but there was, he thought, good reason why Her Majesty's Ministers should suspend their judgment until they had received the Report of the Indian Government. His noble Friend asked whether it was within the competency of the Legislative Council at Calcutta to alter or nullify any Act of the Imperial Parliament. Of course it was not; but he (the Duke of Argyll) apprehended that there was nothing in any Imperial statute to prevent the Indian Government from making such changes in the Supreme Court as might seem to them to be expedient. They could not, indeed, abolish that court; but they might modify its constitution, or alter its jurisdiction. It had been enacted that it should not be lawful for the Governor General in Council, without the previous sanction of the Court of Directors, to create any new court with power of life or death over the subjects of Her Majesty. It was clear, therefore, that the Legislature had contemplated conferring upon the Indian Legislature, when acting with the consent of the Court of Directors, power to establish a new court which might deal with questions of life and death, and since the period to which he had referred a new Act had been passed greatly improving the constitution and character of the Indian Legislative Council; and, as no power granted by the former Act was repealed, it was plain that the intention of the Legislature had been that the Indian Legislature should have ample power of dealing with the subject. He would not enter into the difficult question as to how far it might be prudent to bring the European subjects of the Queen within the jurisdiction of the Native Courts. He believed that it was most expedient that in those courts great reforms should take place, and it might be doubted whether bringing the European subjects of the Queen within their jurisdiction might not tend, from the additional publicity which would be given to their proceedings, to improve the administration of justice in them. The great difficulty in the administration of justice in those courts arose not so much from the character of the Judges as from the character of the suitors with whom they had to deal. It was admitted in all the petitions which had been presented against these courts that the great evil which existed arose from the facility with which false evidence might be adduced in them, and it did not appear by any means certain that that facility might not be removed by the introduction of English subjects of the Queen as suitors. The question, however, was one of considerable difficulty, and one with regard to which a great difference of opinion prevailed among persons best informed upon the subject. He would not express on the present occasion any opinion upon the subject; but he must say that he thought that it would have been very imprudent for the Home Government to have legislated without referring the subject to the consideration of the Indian Legislature, and he had seen letters from Lord Canning, in which that nobleman expressed a distinct opinion that it would have been disrespectful to the new Legislature of India if the Home Government had proceeded to legislate without consulting them.

THE EARL OF ELLENBOROUGH: My Lords, I do not pretend to say that I have made myself master of the contents of the 500 pages of printed foolscap which contain the new code prepared by English lawyers for adoption by the Government of India, and I must confess that I have not the smallest intention of undertaking that labour; but I cannot imagine that any gentleman who prepared that code could ever have suggested the abolition of the Supreme Court in India. I cannot imagine that he can have done so, because the Legislative Council has not the slightest power of doing so. It has the power of altering the forms of proceeding in the Supreme Courts and their jurisdiction—a power conferred upon it by special provisions, but it has not the slightest power of abolishing them, and I cannot believe that the legal gentleman who prepared this new code can have thought that it was not intended by the Acts which have been passed upon the subject, to maintain, as courts of original jurisdiction in the capitals of the different Presidencies, the Supreme Courts. The most important questions which come before those courts are questions affecting the interests of the East India Company, and of gentlemen in their service; and, strange to say, whether it be from the badness of the advocates they employ, or from some other cause, the Government are almost invariably beaten. What the result might be if four or five gentlemen in the service of the East India Company were associated with the Judges of these courts, I cannot pretend to say. With regard to the general question, I believe the case to be, that there is no power of compelling the Legislative Council of India to pass any law whatever. Parliament has reserved to itself the right of directing the officers of the East India Company, under penalty of being guilty of a misdemeanour, to do what they are ordered to do; yet I do not think, looking to the whole of the Acts of Parliament, that there is any power of compelling the servants of the Company to do anything in a legislative capacity. By the new constitution of the Legislative Assembly, it contains members who are not servants of the Company. There are two Judges, and there is the legal Member, who is appointed by the Crown, and it is especially enacted that no measure shall be passed in the absence of those gentlemen, so that a mere abstinence from attendance upon the part of those gentlemen would be sufficient to impede legislation. As regards the question of the noble Marquess (the Marquess of Clanricarde) I can only say, what does the Government of India know of any Minister of the Crown? It knows nothing of the President of the Board of Control; it knows nothing of Queen, Lords, or Commons, unless they speak through an Act of Parliament. In fact, it knows nothing but the orders of the Court of Directors. No doubt, the Court of Directors act under a Minister of the Crown; but no one knows what he puts into their letters, or what he strikes out. Many things, no doubt, which have been viewed with considerable favour have emanated from him; but, on the other hand, with him may also have originated many things which have brought great unpopularity upon the Court of Directors, and which have arisen from the economical views of the Queen's Government; and we may, therefore, fairly lay down the rule that the Minister of the Crown is entirely unknown in India. I will not say anything more, except a few words, with regard to one topic which has been adverted to by the noble Duke. I fancied that the closing observations of the noble Duke indicated a disposition to concur with the proposal for placing Her Majesty's English subjects under the jurisdiction of the Native Courts, and I earnestly recommend him, and I recommend the Government, and I recommend Parliament, to use the most extreme caution before adopting any measure with a view to that object. We are a small number of persons in the midst of an immense population, and we cannot submit to any change which may, in the slightest degree, impair the ascendancy and supremacy of England. I do not give utterance to my own views alone, for I have heard similar views expressed in stronger language by the late Duke of Wellington, and I would farther press upon the consideration of the noble Duke the question, whether he believes that justice would be obtained in those courts. I do not. I incline to think no Native Judge, who had probably risen from nothing, and might return to nothing, would dare to decide against an Englishman going to his court with all the authority of his nation and of his energy of character; but, be that as it may, I trust that no step will be taken without the most careful consideration.

LORD CAMPBELL said, that the present state of the administration of justice in India, both as regarded Europeans and Natives, was most unsatisfactory. Europeans in the most remote provinces were amenable to no courts but those at the chief towns of the Presidencies, and while this was a great hardship to any of them who were prosecuted, it was a still greater hardship to those who had to prosecute them. In point of fact, if an European committed an offence at a distance from the seat of Government, there was no practical remedy whatsoever. It was now proposed that they should be subjected to the local courts. That was a most desirable measure if the local courts could be made competent to administer justice. The problem which had to be solved was the reformation of the local courts. Years, however, had passed away, and nothing had been done; and he was afraid that if this delay continued, the safety of our Indian empire might be compromised. Therefore, supporting the prayer of petitions which he had himself presented, he most earnestly implored Her Majesty's Government to take effectual measures for removing the grounds of these complaints.

THE EARL OF ELLENBOROUGH said, that he saw no objection to the establishment of circuits of European Judges. On the contrary, he thought that much good would result from the adoption of such a measure; but he thought that practically there would be much difficulty in obtaining substantial justice if resident planters had to go before their neighbours.

Petitions read, and ordered to lie on the table.

MINISTERS' MONEY (IRELAND) BILL.

THIRD READING.

Order of the Day for the Third Reading read.

Moved, That the Bill be now read 3ª.

THE EARL OF CLANCARTY:* My Lords, in rising, as I gave notice, to move that the third reading of this Bill be deferred to this day six months, I am sensible of the great disadvantage under which I labour, in consequence of the declaration of the noble Earl, who is the acknowledged leader of the Conservative party in this House, that he would offer no further opposition to the Bill. The state of the House sufficiently indicates the influence which the noble Earl exercises over those that commonly act with him, an influence to which I am myself by no means insensible, arising, as it does, from his high character, combined with eminent abilities—and it is never without great hesitation and reluctance that I venture to separate from the noble Earl in the treatment of any political question; but deference to the opinion of another must have a limit; and, having maturely considered the case as it now stands of the Bill before the House, and my duty with regard to it, I feel that I should do injustice, no less to the force of my noble Friend's arguments against the Bill than to my own convictions, if I did not go on with that opposition to it which, as an hereditary counsellor of the Crown, it is my duty to offer to any measure that ought not to receive the Royal Assent. I certainly understood the noble Earl to say, when he addressed your Lordships on the second reading, that his opposition to the Bill would be uncompromising, and the very full House that heard him expressed by their votes their cordial approval of such opposition. Great indeed, then, was my surprise when, on the question of the Bill being committed, my noble Friend, almost in the same breath that he reiterated his objections to the measure, declared that he would not oppose its further progress. I deplore this decision, involving, as the Bill does, the most objectionable principles, and fraught as it is with wrong and injustice, it ought to have been opposed to the last, even if the deliberative voice of the House had been less unequivocally expressed in reprobation of it than it was upon the second reading. The noble Earl despaired of being able successfully to oppose the Bill; but I am quite sure that the more it received consideration, the less would be the support of it, and the greater the number of its opponents. But upon one point my noble Friend was certainly in error, when he said, when withdrawing his opposition, that he threw the responsibility of the Bill upon the Government. My Lords, you cannot shrink from the duty of rejecting the Bill, without involving yourselves in the responsibility of advising its enactment, and in that responsibility every noble Lord will be included who either votes for it or withholds from voting against it. The Government has, no doubt, much to answer for in having submitted such a measure to Parliament; but from the moment that it passes this House the responsibility of it will be upon your Lordships, and not upon the Government. Nor do I think the noble Earl was in a position to say when he withdrew from opposing the Bill, *Liberavi animam meam.* The great influence the noble Earl exercises in the deliberations of the House pointed him out as the only Member under whose leadership the House could be saved from the discreditable act of passing this Bill; when, therefore, he withdrew, his mission was yet unfulfilled. In the House of Commons, so recently elected by constituencies favourable to the Government, the ready acceptance of the Bill as a Government measure was no matter of surprise; but its acceptance by your Lordships, by whom its principle and provisions could be and were more carefully and fully considered, and whose bounden duty it is to prevent any wrongful measure from being submitted for the Royal Assent, will grievously disappoint public expectation, and especially those who have been wont to look with confidence to this branch of the Legislature as Conservative of the great Protestant institutions of the country. If your opposition to the Bill was to have been limited to a mere exposure of its deformities, and you were to have acquiesced in its adoption directly you had shown it to be one that you ought not to sanction, far better would it have been from the beginning not to have opposed it at all; better would it have been to have spared the Government the exposure of the weak and unstatesmanlike grounds upon which they recommended it, and to have kept out of view the true character of a measure so calculated to imperil the Protestant establishment, and to bring the law into contempt; far better would it have been simply to have passed it as a Bill of indemnity in behalf of a Government that had been unfaithful to the first of its duties, that of causing the law to be impartially and firmly administered; but the House—those I mean who attended in their places—having gone fully into the merits of the Bill and heard all that could be said in its favour, voted against having anything further to do with it; they declined giving the Government an act of indemnity—they told them it was their duty to uphold and vindicate the law, and, if necessary, to have it strengthened; they declined being a party to abstracting from the funds in the hands of the Ecclesiastical Commissioners the pittance by which the incomes of clergymen of less than £100 a year might be assisted; they refused to offer reward to those who disobeyed or resisted the law; they rejected the measure as one utterly unworthy to be entertained in this House. Having done all this, though your decision was overruled by the votes of thirty-six absent Peers, whose proxies were in the hands of the Government, your Lordships ought to have persevered in opposing the Bill. With reference to the use made of the proxies upon the occasion, I ventured, on the question of going into Committee on the Bill, to point out as a reason for not proceeding with it, that the form of the preamble was not in consistency with fact; that supposing the Bill to receive the Royal Assent, it could not truly be said to be "enacted by and with the advice and consent of the Lords Spiritual and Temporal and Commons in Parliament assembled," for this simple reason, that the Lords Spiritual and Temporal so assembled neither advised nor consented to, but, on the contrary, in a very full House by a majority of six rejected the Bill. Their decision was reversed, as I have already mentioned, by the proxies of thirty-six absent Peers, who may have known nothing about the measure that had been discussed, and who probably little thought that their unenlightened votes had been employed to set aside the result of the deliberations of the House, numbering 230 Peers present, and that the Crown was to be thus deprived in a most important act of legislation of the advice of the assembled Lords of Parliament. My Lords, I received no answer or explanation upon the point I had felt it my duty to submit for consideration. The Government, who, by calling for proxies after the assembled Peers had rejected the Bill, created the anomaly I complain of, may have wished it to pass unnoticed; but public opinion will not tolerate in the making of the laws by which this great country is to be governed, such an abuse of the privileges of the Peerage. I will not, my Lords, after the very full consideration that the provisions of this Bill have already undergone, trouble your Lordships by discussing them anew; but before I sit down I must advert to one argument, upon which reliance was chiefly placed by the Government in favour of the Bill. It was represented as a measure for the removal of a grievance from the Roman Catholics of Ireland. My Lords, I ask, does the Government admit it to be a grievance for a

Roman Catholic to be called upon to pay a demand subject to which he purchased his property, simply because the payment would be applied to the support of the Established religion? If this is to be considered a grievance from which relief may be claimed, what Roman Catholic owner of a bishop's lease, or what occupier of lands belonging to our Protestant collegiate institutions may not, with equal reason, claim to be relieved from the payment of the reserved rent? or, to take a case more exactly analogous to that under consideration, what payer of the tithe rent-charge is there that might not, with the encouragement held out to him by this Bill, refuse to pay? It is said that Mr. S. Herbert will derive great pecuniary benefit from this Bill. Is he an aggrieved Roman Catholic? Has he petitioned your Lordships for relief? Is there any evidence upon your table that the payment of ministers' money is regarded as a grievance? Has there been a single petition presented to your Lordships in favour of the Bill? No, my Lords, there lie upon the table no less than 108 petitions from different parts of Ireland, including some from members of the Presbyterian body, against the Bill, but not one in its favour. The only petitioners to your Lordships are Her Majesty's Ministers. They pray you to exonerate them from the grievance of having to enforce a collection that they have very improperly allowed to get into arrear; they pray you to absolve them from the responsibility they have thus incurred. They pray you to sanction them in laying hands upon a fund which the Ecclesiastical Commissioners are entrusted with for the building and repairing of churches and other important objects connected with the Protestant Establishment; and they pray you to sanction this monstrous injustice, not for any public object—not on account of any proved necessity—not on any ground that they have put forward, but to enable them to distribute to the constituencies of eight corporate towns, returning each one or more Members to Parliament, a sum of from £12,000 to £13,000 a year, abstracted from the revenues of the Established Church. Such at least, and no other, will be the practical effect of the Bill if it should become law. I do not think the Lord Lieutenant of Ireland would desire the meed of the unjust steward which the passing of this Bill would obtain for him. Its supporters will, no doubt, be gratified by being called "liberal Protestants," and the Government receive from that party in Ireland, which is returned to Parliament under the designation of the "independent opposition," whose avowed and primary object is the destruction of the Protestant Establishment, a large amount of Parliamentary support, for which, all unconsciously I would hope, they are paying so heavy a price. The Bill is one for the partial disendowment of the Established Church, and as such it will be gratefully acknowledged as an earnest of what may be further effected by resistance to the law. There is at present very little of agitation in Ireland, no more, in fact, than might reasonably be expected in a free country, where it is the right of every man—a right that I hope will always be freely exercised—to canvass the reasons and principles of the laws and institutions under which he lives. But by this Bill a stimulus will be given to agitation of a very different character: it will afford at once a precedent and encouragement to a systematic attack upon the temporalities of the Church, and thence upon the rights of property generally, and your power, and the power of the Government in meeting it, will be seriously impaired by the policy to which you will have committed yourselves upon this occasion. My Lords, I will not further detain you; I regret that the defence of the temporalities of the Church against this wanton act of aggression should have devolved upon one so weak and uninfluential as the individual who now addresses you. Circumstanced as I am in the opposition I am offering to the Bill, I apprehend that the Vote I purpose recording upon the present occasion will only serve as a personal vindication, a kind of protest against having any part or share in the perpetration of a great legislative wrong; that others, however, may have the like opportunity, I beg to move that the third reading of this Bill be deferred for six months.

Amendment *moved*, to leave out "now," and insert "this day six months."

The Earl of DERBY said, that he should briefly state the course he meant to pursue; but he neither intended to repeat his speech against the Bill, nor, on the other hand, to defend it, as the noble Earl appeared to imagine. Neither should he repeat the reasons he had given on a former occasion for relinquishing any further opposition to the Bill; but he begged to state that those reasons had received, in writing, the approbation of the most rev. Primate of all Ireland (the Archbishop of Dublin) to whom the noble Earl had referred on a former occasion, and who had approved of the course which he (the Earl of Derby) had taken, as the only course, in fact, which could be adopted. The noble Earl had spoken of the influence which he (the Earl of Derby) was supposed to possess as having prevented a greater attendance of Peers to oppose the Bill. Now, he had to assure the noble Earl that he had said nothing, except those few words which he had on a former occasion spoken in that House, to induce noble Lords to withdraw further opposition; and from the state of their Lordships' benches on his (the Earl of Derby's) side, the noble Earl could jndge what proportion of the Peers who sat on that side had approved of his (the Earl of Derby's) opinion, and what proportion of them had adopted the views of the noble Earl. He should be sorry to have it supposed that he at all relaxed in his opposition to the Bill; he retained all his objections to it upon principle, and he found himself placed in this difficult position—that he could not possibly vote in favour of the Bill; while, on the other hand, he had given an assurance to the Government that he should not offer any further opposition to it, and the state of the House showed the reliance which Her Majesty's Ministers had placed upon his good faith. Under these circumstances he should not give them any reason to cast any reflection upon his good faith; and, therefore, he should not vote at all upon this occasion.

The Earl of WICKLOW said, it would be in the recollection of the House, that previous to going into Committee on this Bill he moved, on the part of the Ecclesiastical Commissioners, that their petition to be heard by counsel at the bar against the measure should be complied with. In making that proposition he took occasion to refer to a statement made in the other House of Parliament by the late Secretary for Ireland (Mr. Horsman), as containing an exaggerated account of the funds in the hands of the Commissioners, and he intimated that possibly the majority obtained in the House of Commons had been very materially influenced by such a statement coming from so high an authority as the late Secretary for Ireland. In making those remarks, he at the same time observed that he did not mean to impeach in the slightest degree the integrity of the right hon. Gentleman, as he believed that he considered the documents on which he based his statement to be perfectly authentic; but this expression of his confidence in the right hon. Gentleman's integrity did not appear in the published reports of his speech. Mr. Horsman, on seeing his observations in the papers, wrote to him on the subject, and a correspondence took place which ended in his (the Earl of Wicklow) seeing the accounts and documents on which the right hon. Gentleman made his statement in the House of Commons; and he was, after seeing them, perfectly convinced that there was nothing in the statement made by the right hon. Gentleman which was not taken directly from the public accounts before him. To explain the manner in which these accounts came into his hands, Mr. Horsman sent him a letter which he would take the liberty to read to the House. [The noble Earl here read a letter from Mr. Horsman. It stated, in effect, that an important circumstance had been kept from the knowledge of his Lordship, that on the 29th of May, when the House of Commons went into Committee on the Bill, Mr. Hamilton, one of the Members for the University of Dublin, took him aside in the course of the evening, and, showing him papers with which he had been furnished by the Commissioners to make an explanatory statement said, it would be more agreeable to the Commissioners if that statement was made by him (Mr. Horsman); that in this request he acquiesced, and wrote down from Mr. Hamilton's dictation the statement he was to make on the part of the Commissioners to the House; that Mr. Hamilton assured him this course would be perfectly satisfactory to the Commissioners if he would undertake it, and that on this assurance he made the statement on behalf of the Commissioners to the surprise of many of his friends; that he was much surprised when he saw that the Earl of Wicklow had alluded to the subject in the House of Lords, as he could not bring himself to believe that the Ecclesiastical Commissioners, on whose behalf his Lordship spoke, were capable of so gross a breach of faith after the assurance he had received that his statement would be perfectly satisfactory to them.] Now, he had appeared before their Lordships the other evening, and made use of documents, at the instance of the Commissioners, and to him it was perfectly incomprehensible, after reading the papers which he held in his hand, how the Commissioners could have thought of renewing the attack, or of asking him to do so. Mr. Horsman expressed his surprise, but his surprise was not greater than his own, for he need hardly say, that if he had known of such an arrangement as had been entered into with the right hon. Gentleman, he would not have taken the part which he did the other evening. He could assure their Lordships that it would be a long time before he took charge of a case again.

Earl GRANVILLE said, nothing could be more fair or straightforward than the statement just made by his noble Friend. He was certainly very much annoyed at the accusations made against Mr. Horsman the other evening; and it was his intention to make some reply on the third reading, after having ascertained the facts, until he found that Mr. Horsman had wisely put himself in communication with the noble Earl. In the name of Mr. Horsman he thanked the noble Earl for the fair and honourable course which he had now pursued. The noble Earl who had just quitted the House (the Earl of Derby) had left to Her Majesty's Government the further defence of the Bill. He knew that the noble Earl opposite (the Earl of Clancarty) was not a man to be convinced by arguments. In this case, indeed, he did not wish to convince him. He had announced that it was his intention to divide the House on the third reading, and, wishing that the Bill might go forth so as to meet with general approbation in Ireland, he was glad that the division would be taken under circumstances which would be favourable to that result.

Viscount DUNGANNON repeated that he considered this so flagrant an act of spoliation of the Established Church, and as establishing so dangerous a precedent, that, however small might be the minority, he felt bound for the last time to record his vote against it.

The Marquess of WESTMEATH recommended the noble Viscount to withdraw his opposition, and leave the responsibility on the Government. All he proposed to do might be effected by a protest.

After a few words from the Earl of Clancarty,

On Question, That the words proposed to be left out stand part of the Motion? their Lordships *divided*:—Contents 23; Not-Contents 7: Majority 16.

Resolved in the *Affirmative:* Bill read 3ª accordingly: Amendments *moved*, and *negatived;* and Bill *passed.*

CONTENTS.

Cranworth, L. (*L. Chancellor.*)

Ailesbury, M.

Albemarle, E.
Clarendon, E.
Granville, E.
Harrowby, E.

Sydney, V.

Carew, L.
Churchill, L.
Congleton, L.
Dartrey, L. (*L. Cremorne.*)
Foley, L. [*Teller.*]
Granard, L. (*E. Granard.*)
Oriel, L. (*V. Massereene.*)
Ponsonby, L. (*E. Bessborough.*) [*Teller.*]
Rivers, L.
Somerhill, L. (*M. Clanricarde.*)
Stanley of Alderley, L.
Stuart de Decies, L.
Sundridge, L. (*D. Argyll.*)
Talbot de Malahide, L.
Wrottesley, L.
Wycombe, L. (*E. Shelburne.*)

NOT-CONTENTS.

Desart, E.
Mayo, E.

Clancarty, V. (*E. Clancarty.*) [*Teller.*]
Dungannon, V. [*Teller.*]

Berners, L.
Castlemaine, L.
Denman, L.

MINISTERS' MONEY (IRELAND) BILL.

Die Veneris, 26° *Junii*, 1857.

PROTEST.

Against the Third Reading.

Dissentient—1. "Because the Act 17 & 18 *Chas.* II. c. 7, for the Kingdom of Ireland, was applicable to every city and corporate town in Ireland, and created a moderate charge on the houses of all Protestants as well as Roman Catholics. Subject to which charges ever since the passing of the said Act all such property has been dealt with and valued, and it would have been better again to change the collectors and mode of collection by Act of Parliament, providing for a redemption of the said tax than to put the law into operation and then suspend all proceedings against defaulters, who are more favoured by an exemption from this tax than those who have obeyed the law.

2. "Because the withdrawal of this payment will render it more difficult to obtain the consent of Protestants to any future payment by the State of Roman Catholic priests (if such a measure should be hereafter contemplated), and may tend to strengthen the opposition to the Maynooth Grant, and thereby greatly retard the enlightenment of such priests, whose conduct at elections and whose influence as to scripture readers is such, as better-educated men probably would not exhibit, and which conduct and influence ought not to be encouraged and increased by concessions as a direct reward for disobedience to the law.

3. "Because this Act was passed in a House consisting of fewer Members thereof than are together usually elsewhere considered sufficient

to constitute a deliberative assembly, and, therefore, it fails to establish the full evidence of hearty goodwill to the Irish people, which should accompany every measure relating to them.

"DENMAN."

House adjourned at half past Eight o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, June 26, 1857.

MINUTES.] PUBLIC BILLS.—1° Probates and Letters of Administration (Ireland); Glebe Lands (Ireland); East Quay Wall Tax (Dublin).
2° Probates and Letters of Administration; Crown, &c. Suits (Scotland); Bankruptcy and Real Securities (Scotland); Bill Chamber (Scotland); Christchurch (West Hartlepool).
3° Hanley Borough Incorporation; Consolidated Fund (£8,000,000).

COMMON LAW COMMISSION—QUESTION.

MR. M'MAHON said, he would beg to ask the right hon. Member for Droitwich (Sir J. Pakington), When the Commission appointed to inquire into the present arrangements for transacting the judicial business, Civil and Criminal, of the Superior Courts of Common Law is likely to make its Report; and whether he has any expectation that such Report may be made in time to have a measure founded upon it introduced in the present Session?

SIR JOHN PAKINGTON replied, that the Common Law Commission were now considering their Report, which he had no doubt would be presented before the termination of the present Session. He was, however, afraid that he was hardly able to answer the latter part of the hon. and learned Gentleman's question, because he did not yet know what amount of legislation the Common Law Commission might recommend, nor what might be the duration of the present Session.

LIFE INSURANCE—QUESTION.

MR. KER SEYMER said, he wished to ask the Secretary of the Treasury, Whether he intends to name an early day for the introduction of his promised measure on Life Insurance Offices?

MR. WILSON said, he was very anxious to bring in a Bill on this subject, but as it was likely to give rise to some discussion, it was very undesirable that it should be introduced at an unseasonable hour. He should have wished to bring in the Bill that evening, but the crowded state of the notice paper rendered it improbable that he could do so before midnight, and he was afraid that hon. Members would object to its being proceeded with at so late an hour.

LAND-TAX COLLECTORS—QUESTION.

MR. WILSON moved that the House at its rising do adjourn until Monday.

MR. W. WILLIAMS said, he would take that opportunity of asking the First Lord of the Treasury, Whether Members for boroughs will have equal right with Members for counties to recommend persons' names to be inserted in the Land Tax Commissioners Bill to be introduced this Session? He asked the question, because, having recently recommended some of his constituents as fit for that situation, a letter was sent to him from the Treasury, stating that the recommendations ought to have been signed by a Member for the county of Surrey. He had been a Member of that House upwards of twenty years, and that was the first occasion on which he discovered that there was any distinction between the privileges of borough and county Members.

VISCOUNT PALMERSTON said, the distinction between county and borough Members with reference to the matter alluded to by the hon. Gentleman was not arbitrarily established by the Government, nor did it depend upon the Government to enforce or relax it. It was established by an Act of Parliament, and so long as that Act continued in force, he apprehended that Her Majesty's Government had no choice but to obey the law; and with regard to any course which the hon. Member had pursued and intended to pursue, he submitted that if borough Members were equal with county Members, one of the duties of all Members, whether representing counties or boroughs, was to obey the law; and he did not see how the hon. Member was asserting any legitimate prerogative belonging to him if he intended, on every occasion when opportunity offered, to propose something which was at variance with the law of the land. He was unable to state on what ground the distinction was established which drew the line between county and borough Members, and he was not prepared to say why a borough Member should not be entitled equally with a county Member to recommend to such appointments. But so long as the law continued in its present state, there was no choice in the matter. If the hon. Member, instead of asking the House to go against the law, would bring in a Bill to alter the law, he was not prepared to say that he saw any great objection to making the change required; but so long as the Act he had alluded to continued in force, it was no disparagement, he considered, to borough Members to yield obedience to the law.

DISTRIBUTION OF THE VICTORIA CROSS.

OBSERVATIONS.

SIR CHARLES NAPIER said, he hoped that the House would not regard him as too fastidious if he should make some remarks upon the review that took place that morning in Hyde Park. He saw the Artillery, the Cavalry, the Guards, the Line, and the Marines well represented at the review, but the Navy of the greatest maritime Power in the world was represented by the First Lord of the Admiralty and about fifty sailors. He spoke more in sorrow than in anger when he said that that was not a fair treatment of our brave sailors; and he hoped that if ever such a review again took place, the Admiralty would endeavour to bring up as many sailors as they could possibly bring together. We must be badly off, indeed, if at least 1,000 or 1,500 seamen could not be collected. Instead of presenting themselves in their blue jackets and trousers they ought to come forward armed with their light guns, and pass before the Queen as other branches of the service. He believed that during the late war our sailors did their duty as well as anybody else, and especially at Sebastopol, where they were exposed to the greatest danger and labour and suffering in the trenches; and if war should break out again, they would again be ready to do their duty. On such a review, therefore, as had taken place that day, proper respect, he considered, ought to be shown by the authorities to the British Navy. There were some boys from the Military School at Chelsea, but there were no boys to represent the Navy that day in Hyde Park; and, in fact, it was the poorest display that he had ever seen in his life, as far as the Navy was concerned.

COLONEL FRENCH said, he thought that the right hon. Baronet the First Commissioner of Works was entitled to great praise for the admirable arrangements which he had made in so short a time to enable the public to witness the scene at Hyde Park that day.

JUDICIAL REFORMS IN INDIA.

QUESTION.

SIR ERSKINE PERRY said, he rose to ask the President of the Board of Control whether, on the reference to India of the Judicial Reforms proposed by Her Majesty's Commissioners, it is competent to the Legislative Council in India to reject those reforms altogether, even though the Home Government approve of them; and whether it is true that the Legislative Council, consisting of nine Company's servants and two Queen's Judges, claims to act as an independent Legislature? He wished to draw the attention of the House to what was occurring in India at the present moment, where a branch of the Government was pursuing a course which, he believed, would be found most prejudicial to the good of that country. It would be in the recollection of many hon. Members, that in 1833, it was thought right to reform the courts of justice in India, and Mr. Macaulay drew up a scheme of a law Commission, which sat twenty years, cost the State nearly £800,000, and the result of whose sittings was absolutely nothing. They certainly sent home to the Directors of the East India Company a valuable series of Reports, but on the greater part of their recommendations no final decision had been made. This fact had been distinctly recorded by Parliament when legislating on the subject of India three years ago; and, such being the case, the Government determined, with the sanction of the House of Commons, to make at once a complete reform in the Indian law courts, and the present First Lord of the Admiralty announced that they had resolved on putting the Company's courts of justice under the Queen's Judges in India. The right hon. Gentleman, on that occasion, said he was exceedingly anxious to embody such a provision in the Bill, but he found it necessary to postpone any legislative measure until the report of a Commission in this country. A Commission was therefore appointed, consisting of most eminent men, and at the end of two years they presented a Report which had received the sanction of the most distinguished jurists in this country. When, however, legislation was expected here as the result of the Commission, a paper was circulated among Members of Parliament, to the great surprise of all who were interested in this question, stating that the Court of Directors had transmitted this Report to India for the purpose of obtaining the opinion of the Government there upon it. It appeared now, from what had taken place in India, that instead of transmitting their opinions upon the reforms proposed—which he admitted would be entitled to due consideration—the Legislative Council were undertaking to legislate upon the subject. They were doing even more than this, for they were setting aside the determination of the Home Government, and were about, if not stopped, to pass an Act which could be productive of nothing but unmitigated evil in India—they were going to put British settlers in India under the Company's unreformed courts which had so long been denounced, and were thus setting aside the fundamental position on which the eminent jurists he had referred to had based their reforms. Now, he wished to know, if the Legislative Council had really taken upon themselves to overrule the determination of the Home Government, what course his right hon. Friend proposed to pursue? Since the creation of the Legislative Council that body had been laying claim to almost uncontrollable powers of legislation. The late Governor General, Lord Dalhousie, had not countenanced these claims, and he (Sir E. Perry) should like to know what his right hon. Friend's views were on this important question, which had now been agitated for twenty-five years.

Mr. VERNON SMITH said, it was true there had been a law Commission—a very expensive one, and that from it had emanated many Reports which had never been acted upon. It was also quite true that in 1853, during the discussion upon the Indian Bill, his right hon. Friend (Sir C. Wood) stated that his opinion was in favour of amalgamating the Sudder Court and the Supreme Court in Calcutta. Finding, however, that inquiry was necessary before any steps could be taken in the matter, a Commission was appointed to consider this question, and at the end of three years a formal Report was made by it. When this Report was submitted to him (Mr. Vernon Smith) upon first taking his present office, he came to the conclusion that the best course was to send it out to India for consideration by the Government there. He was never more satisfied on any subject than with the perfect wisdom of this proceeding, because he heard from the Governor General that, if he had done otherwise, he would have affronted the whole Legislative and Executive Council of India. He would remind them that the Legislative Council was established after much deliberation in this House by the Act of 1853. It was an attempt to provide something like representative authority for India. Of course it was utterly impossible that they could have a representative Government in that country, but Parliament intended in 1853 to make a nearer approach towards something like representation in that Council than previously existed. Was it expedient, then, that his first official act should tend to set that Council at nought, and to set up his own *ipse dixit* founded upon the Report of the Commission? He contended that to have done so would have been an act of the greatest folly and imprudence. Accordingly he sent out Acts on the subject of these judicial reforms, directing that they should be submitted to the Legislative Council, who were probably on such subjects much better able to legislate for India than the House of Commons. Had such Acts been proposed in this House every lawyer would be starting up to make objections to them, and he would appeal to his hon. and learned Friend whether, after his experience of this House he thought they should be able to secure anything like an attendance of hon. Members for the consideration of such a subject? He thought, therefore, he was perfectly justified in the course he had pursued, and he was glad to hear this impression confirmed in another place by one of the highest authorities upon India—a noble Earl who had filled the office of Governor General. Fortified by such authority, he thought it would have been most inexpedient in him to submit to the House of Commons Acts which might afterwards have met with the reprobation of the Legislative Council of India. His hon. and learned Friend had asked him whether the Legislative Council had power to reject these Acts, and also what course he (Mr. Vernon Smith) proposed to take in case they did so? Of course that Council had power to modify or reject any reforms which might be suggested by the Home Government, but he should not tell his hon. and learned Friend what course he should pursue in such a case until he knew what had actually passed in the Council. This, however, he would tell his hon. and learned Friend:—If the Legislative Council passed Acts which, in his opinion, were prejudicial to the good government of India, he would annul those Acts; and if he could not induce this body to amend them, he would then, and not until then—not until he had exhausted every means—call upon Parliament to legislate upon the subject. It was not supposed, however, that whenever a conflict of opinion took place between the Home Government and the Legislative Council those gentlemen were to be dismissed; and such was his (Mr. Vernon Smith's) opinion of the civil service of India, that he believed, if he were to dismiss the Legislative Council under such circumstances, it would not be easy to find gentlemen to fill their places. Measures of judicial reform would no doubt be passed in good time, perhaps rather slower than he and his hon. and learned Friend might wish, owing to the cautious habit of that body, which required a period of three months to elapse between the second reading and the Committee of a Bill; but that the Council would pass such a measure as would be palatable and agreeable to the whole of India he had no doubt, and, if they did so, that measure would become law.

Mr. WILLOUGHBY said, he concurred generally in the remarks of the right hon. Gentleman the President of the Board of Control, and he could not help observing that, probably, no man was less fitted to be a guide in the matter of Indian law reform than the hon. and learned Member for Devonport (Sir Erskine Perry); for perhaps the three evils which most seriously afflicted India were English law, English lawyers, and the English language as the medium for the administration of justice. His main object in rising, however, was to ask the noble Lord at the head of the Government whether he could not fix a day for the renewal of the debate on the question of cotton-growing in India, which had been adjourned on Tuesday last? Considering the gross misstatements which had been made with regard to the government of the East India Company, and reflecting upon an honourable body of servants who were not there to defend themselves, he thought that a resumption of the debate was imperatively called for. He would not trespass further on the time of the House, but would rest satisfied with having called the attention of the noble Lord to the real urgency of a full discussion on the affairs of India, reminding him that the question involved was not merely whether India could supply England with cotton, but whether India were well or ill governed.

Lord ADOLPHUS VANE-TEMPEST said, he rose to support the request of the hon. Gentleman who had just sat down, because, as Motions on the Ballot and the Civil Service Superannuation were appointed for Tuesday next, to adjourn the debate on the Motion of the hon. Member for Stockport to that day was, in fact, equivalent to adjourning it *sine die*. The question raised by that debate involved the question of the good or ill government of 180,000,000 of people, and was, therefore, of the last importance.

Sir GEORGE GREY said, he wished to remind the House that the Motion for adjourning the debate had not been made by the Government but by his hon. and learned Friend the Member for Devonport; and according to the custom in such cases, the hon. Member who moved the adjournment had fixed the day for resuming the debate. Government did not undervalue the importance of the debate, but it was difficult in the present state of public business to appoint a day for the purpose, and he thought that it was premature to talk about another day for renewing the debate before it was ascertained that it could not be resumed on Tuesday next.

THE ORDNANCE SURVEY—QUESTION.

Mr. LIDDELL said, he understood there had been a slight error in what was stated by the Secretary to the Treasury the other day, in answer to a question as to the Ordnance Survey. He would repeat his question, and state exactly the information he wished to obtain. The House was aware that the county of Durham had been already surveyed on the 25-inch scale, but in consequence of the Vote come to the other evening upon the Motion of the hon. Member for Mallow (Sir D. Norreys) he believed that the Government had determined that no publication of the maps should take place on that large scale. He begged to ask the Secretary for the Treasury, however, whether it would be competent for the proprietors of land in that county, upon payment of all the requisite expenses, to obtain maps on that large scale? He also wished to ask whether there would be any objection to furnishing a return of the names of the parishes and places in the counties of Northumberland and Durham which had been surveyed on the 25-inch scale, distinguishing those portions of the survey which had been already published from those which had not been published. From what occurred the other night with respect to the Scotch survey he understood that it never had been intended to publish maps for general use upon the 25-inch scale, but that they were only to be obtained upon special application. He thought it right, therefore, to acquaint the Secretary for the Treasury that he had been informed, upon authority which he could not question, that in the counties of Peebles and Ayr maps were now published and exposed for general sale upon that large scale.

Mr. WILSON said, there would be no objection to give a return of the parishes in Durham and Northumberland which had been surveyed on the 25-inch scale, and there could be no doubt that in regard to the parishes surveyed on the 25-inch scale the landowners could get copies of them on payment of the necessary expenses for the purpose. He stated the other night that the publication of certain maps would be made in the course of the present year, but in consequence of the alteration of the scale some further time must elapse before the publication.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

PROBATES AND LETTERS OF ADMINISTRATION BILL.

SECOND READING.

Order for Second Reading read.

The ATTORNEY GENERAL, in moving the second reading of this Bill, said, it would be altogether superfluous for him to dilate on the evils and grievances attending the continuance of the present system of obtaining probates of wills and letters of administration, in the Ecclesiastical Courts. Those evils had been so long admitted, had been the subject of so many Reports of Committees of that House and of the other House of Parliament, and had formed matter of inquiry and recommendation for so many Commissions, that he might well assume that there would be found no difference of opinion with respect to them. In fact, for nearly thirty years different Governments had attempted to accomplish the change now proposed, and unquestionably these Courts would have long since succumbed to the attacks made on them if their assailants had not been divided in opinion as to the edifice to be erected in the place of that which all were unanimously agreed to pull down. He should, however, in a few observations call the attention of the House to the state of the existing law in order that the House might be enabled to judge how far the provisions of the Bill, which he was presently about to state, met the necessities of the case and were calculated to remove the evils complained of. The House was aware that anterior to the Statute of Wills of 1837, a remarkable difference existed between wills relating to personal estates and wills relating to landed property. Under the old law, a will of personal estate needed no attestation, and a most informal document might be admitted to probate, while a will conveying real estate required to be attested by three witnesses and executed with peculiar solemnity. In 1837 an Act was passed taking away altogether that distinction, and requiring that all wills, whether relating to personal estate or to real estate, should be executed and attested in one and the same manner and with the same solemnity. It might naturally have been expected that the Ecclesiastical Courts, the jurisdiction of which the House was aware was confined entirely to wills of personal estate, would have been abolished, and their instruments, the effect and character of which was to be determined by one fixed law, should have been made subject to the view and impress, as to their authenticity, of the ordinary tribunals of the country. That being the state of the law, the anomalies which had previously existed became more glaring and more mischievous, namely, that whilst they had one single form in which the will must be affirmed, there were nevertheless two tribunals to which it must be submitted, first with regard to its validity so far as related to personal estate, to the Ecclesiastical Courts; and then to the ordinary tribunals of the country so far as it related to real estate. If there were both real and personal estate, and there were any contest relative to the sanity of the testator or to the execution of the instrument, that subject could not be determined by one single tribunal once for all, but the parties were compelled to take the matter to two different courts having different forms of procedure, and which might arrive at different and opposite conclusions. And this was not a mere hypothetical case, because such cases did occur. Only in the last year they had witnessed one of the most glaring examples of this. A testator in Ireland was pronounced by the Ecclesiastical Courts of that country sane as to his personal estates, but in the courts of common law, in reference to the real estate, he was pronounced insane. And again, in England, he was found to be sane as to his real estate, while there had been no probate as to his personal estate in England. Could anything be more monstrous? And yet such cases occurred perpetually in the present state of the law; and not only was there this difference of opinion between the Ecclesiastical tribunal and the ordinary tribunal, but the same conflict and variety of decision might arise between the ordinary tribunals of the land as to real estate. For instance, if a man died, having land in Surrey, a jury in Surrey might find him insane, but if he had also land in Middlesex, a jury in Middlesex might find him sane. The first conclusion, therefore, this state of the law seemed to point to was the expediency of appointing a tribunal competent to decide once for all on the validity and invalidity of wills, whether relating to real or personal estate, or to both. The next thing to be considered with respect to the Ecclesiastical tribunals was that their mode of arriving at a decision was different from the form of the ordinary tribunals of the land. He believed that all hon. Gentlemen who had attended to the subject would admit that matters relating to the sanity of a testator could not be tried in a satisfactory manner except before a jury, for there was no other mode by which the evidence could be so well tested or examined. The proceedings of the Ecclesiastical Courts, however, were formed on the model of the civil law procedure, and constituted a very cumbrous mode of dealing with the question, and the conclusion was arrived at quite in a different manner from that in which a jury in a common law tribunal came to a decision. It was undoubtedly a great *desideratum* that the Probate Court should have one uniform and simple mode of trying disputed facts through the medium of a jury, unless all parties were desirous of submitting the case, when there was no necessity for the sifting of evidence, to the determination of the Judge. These were the two conditions necessary to be observed in order to make the proposed change of jurisdiction conducive to the three great requisites — uniformity, simplicity, and economy, and he should now proceed to state to the House how he proposed to effect them. The Bill proposed to abolish at once all the existing Ecclesiastical and peculiar courts in which wills were at present adjudicated on. The House was probably aware that their name was legion. There were some 400 of these courts, which existed in every corner of the country, and they were so many pitfalls into which the unwary suitor was entrapped, and in which he was entangled. Their existence, indeed, was of no manner of use except to produce the most admired confusion, embarrassment, and disorder, which so often prevailed in our system in consequence of the extreme tenacity with which we clung to old institutions long after they had ceased to be of the slightest practical benefit. Under this Bill, however, they would be entirely swept away, and a single Court of Probate would be established in their place. In the ordinary process of proving a will in common form—or, to simplify the matter, he would say of authenticating a will—it was necessary to have the assistance of a court in consequence of the great number of minute and technical forms, the observance of which was required by the statute of wills. The new Court of Probate would be the tribunal where wills would in future be proved in common form, or authenticated, subject to rules of procedure much more simple, and he hoped, also, much more economical, than those which were now in force. The Court of Probate, possessing this universal jurisdiction, would of course be located in the metropolis, but for the convenience of the country at large districts would be formed, and local registries would be established, to which the executors of deceased persons who had a fixed abode within any district, and whose personal property did not exceed the value of £1,500 might resort, if they chose, in order to prove wills, without applying to the principal or metropolitan registrar. The limit of £1,500 had been fixed, because, although the concession must unquestionably be a great advantage to persons living in the country, upon whom a heavy burden might be imposed if they were required to come to the metropolis to obtain probate, it was thought that wills relating to a larger amount of personal property and to real estate could not be examined in the local districts with the same amount of care and experience which would be applied to them in the metropolitan registry. In order to show the danger of extending the jurisdiction of the district registrars, he would suppose the case of a will admitted to probate with a want of some proper solemnity, and which might ultimately turn out to be a will which ought not to have been admitted to probate at all. The executor under such a will might go to the Bank of England, to a railway company, or to any public company issuing stock, and obtain a transfer of the testator's stock, and convert it to his own use. If the will under which these proceedings took place proved to be informal, and another will was subsequently admitted to probate in favour of different parties, the Bank of England or the companies would be compelled to make good the property they had parted with upon the faith of the antecedent informal, or improperly proved instrument. It had, therefore, been deemed desirable, in conformity with the recommendations of the Commission, while giving the country the benefit of local registrars, to limit their jurisdiction to the sum of £1,500, and to insist on all the more important cases being taken to London where, of course, greater care and accuracy could be ensured. The establishment of local registries would also have the advantage of enabling original wills to be retained in the districts in which the testators had resided. Persons in a humble position of life residing in the country were frequently anxious to have the opportunity of examining the wills of their relatives, and satisfying themselves by personal inspection that such wills were the genuine acts of the testators; and under this Bill the district registrars would be enabled to grant probate of wills to the limited amount he had mentioned, and to retain the original wills in their custody, transmitting copies for registration in the metropolitan court. The form of proving the will, therefore, might take place at the option of the parties either at the principal registry in London, or, if the amount did not exceed £1,500, at the local registry. There was, however, another form of proving wills, which was not so simple as that which he had already described, but which provided a more solid and formal means of ascertaining the validity of such instruments. He alluded to what was technically called, in the Ecclesiastical Courts, the proving of a will in solemn form—a process which was resorted to when, although there might not be any immediate question as to the validity of the instrument, the parties interested were anxious that testimony to its due execution and to the sanity of the testator should be recorded and preserved. In cases, also, where it was probable that doubts might subsequently be raised as to the validity of a will, it was desirable to obtain a formal examination and proof of the instrument. The Bill provided a mode by which this object might be attained in a manner which would render the will conclusive in point of validity, both in the case of personal and real estate. It would be merely necessary that a person desiring to prove a will should bring it before the court with a simple allegation that it was the will of a testator of sound and disposing mind, and that it had been duly executed in conformity with the law. The heir at law, next of kin, and every other person interested in contesting the instrument, would be cited to come into court to see and hear the will finally concluded and established. The witnesses to the document, and any others whose evidence might be deemed requisite, would then be examined before the Judge of the court, and, when this testimony had been taken, the sentence would conclude and settle the validity of the will. Hon. Members would see that this enactment would be most beneficial in its operation, for under the existing system wills relating to real estate might be contested at a distant period. Suppose a man made a will in the present month of June by which he devised his real estate to his son for his life with remainder to his children. Supposing that in the month of August he made a second will by which he made a different disposition of his property. Suppose, too, that the son took the property under the later will, and that thirty or forty years afterwards he (the son) also died. In a case like this his eldest son might raise a question as to the validity of the second will, and claim the property under the will of June. The result was, that in the present state of the law no certain title could be given to real property in a great variety of cases where a will formed one of the links of the claim. Well, that would be altered by the institution of the tribunal which would be set up by the Bill, for that tribunal would proceed at once to try the validity of the will; and having decided that, it would thus finally conclude all question on that score. The next species of business with which the court would have to deal was what was called the contentious business, which would comprise the suits instituted by parties hostile to any particular will. With respect to this jurisdiction, he must warn the House not to derive their opinion from the clause in the Bill which made the procedure of the Ecclesiastical Courts the form of procedure under the Bill, for it was necessary to commence with some foundation until new forms were arranged and new orders could be suggested for the subsequent practice of the court. He had, however, the authority of the Lord Chancellor for stating, that should the Bill pass in its present form orders would be shortly framed for the purpose of bringing the procedure and practice of the court into the simplest possible form, and for assimilating them to the mode adopted at common law. The procedure would be of the simplest possible kind. There would be an allegation of ten words by the plaintiff, which would be met by a response of about half-a-dozen more on the part of the defendant; the whole process would be referred to, and conducted by, a Court of Common Law, and the verdict, if not set aside by an order for a new trial, would be embodied in the order of the court, and be final with the parties. With regard to the constitution of the court, the present Judge of the Prerogative Court might, if he pleased, become the Judge of the new court in the first instance, but it was not proposed that the new tribunal should derive its occupations and functions from the testamentary business alone. It was proposed by the Bill that, as soon as ever the office of Judge of the Court of Admiralty became vacant, the Court of Admiralty should be united to the new Court of Probate, so that one Judge would preside over both tribunals, and the two existing tribunals be consolidated into one; and he trusted, in a future measure, to have the opportunity of asking the House to render the procedure in the Court of Admiralty much more simple, general, and useful than it now was, so that the one tribunal to be constructed out of the two existing tribunals should answer the purposes of both, in a manner the most beneficial to the public. But the functions of the Judge of the new court would not stop there. The House would probably, before long, have their attention directed to the Marriage and Divorce Bill, which, as well as this, had originated in the other House of Parliament; and, in the event of that Bill passing into a law, it was provided by it, as it now stood, that the Judge of the Court of Probate should be one of the Judges in marriage and divorce cases. Accordingly, the new Judge of the court about to be established would have a long range of duties to discharge, and his time and attention would be fully occupied by those several departments. This, therefore, was the mode in which, according to the Bill under consideration, the jurisdiction would be established, and those would be the opportunities henceforth afforded for proving wills. But the jurisdiction of the court would not stop there. One of the great inconveniences felt under the existing system was, the want of a tribunal charged with the duty of preserving the property of a deceased person during the litigation about the validity of his will, or the rights of the representatives. It must have occurred to many hon. Members, that if there was a dispute touching the sanity of a man of wealth dying, and leaving a will which was likely to be contested, in the present state of the law there could be no representation while that dispute lasted. The consequence was, that his real estate was neglected, and his personal estate was not collected or properly administered. The present Bill armed the new court to be established with power to appoint, *ad interim*, a manager of the deceased's personal estate, and, *ad interim*, a receiver of his real estate, so that care would be taken of both while the litigation was pending. Those were the principal functions which the court would have to discharge. Its daily and ordinary functions would chiefly have reference to questions that might arise on the proving of wills in common form. With regard to the officers of the court, it was proposed, so far as it was possible, to transplant the officers of the existing tribunals to the new tribunals. As far as it was possible, the officers of the Prerogative Court would become the officers of the new court, and the diocesan registrars would also be transferred to the district registries, so far as that could by possibility be done. The officers to be added to the court would be exceedingly few in number—not more than four—and that addition would not involve any great expense. There were many other provisions in the Bill with regard to other subjects, to which he thought it desirable to call the attention of the House. He would particularly beg to refer to the relations which it would be necessary to establish between the metropolitan registry and the district registries. Those would require a good deal of attention, and would, probably, give rise to some discussion when the Bill was in Committee. One question might be, whether it was desirable that papers should be taken from the district registries to the principal registry, to have the approbation of the principal office in London before they were finally admitted to probate. No doubt that would interpose delay, and occasion some additional expense, and therefore that course had not been thought advisable. The House would also have its attention directed to the question of *caveats* as between the registries in the country and the metropolis, with the view to the prevention of error, and he meant to propose a clause which he hoped would tend to remove all difficulty in matters of that kind. In addition to the provisions he had stated, one great improvement was proposed to be effected, by all the existing wills being collected from all the various depositories throughout the country in which they now were, and brought to one great principal place of registry. To that great place of principal registry copies of all wills proved in the country, but not proved in London, would also be brought; and the Bill proposed to make arrangements which ultimately, after a few years, would lay the foundation for access to improved information with regard to matters of title throughout the country, including, among other things, a system of indices which would be compiled, and copies sent to every district registry, and also to the principal cities of Edinburgh and Dublin. By this means great facilities would be given for obtaining knowledge of facts which at present could only be arrived at by a tedious and protracted search. Another advantage which would be accomplished was, that of creating a place of deposit for wills when made, in which a person about to travel abroad might lodge his will, and to which members of his family might have access at his death. There were many other provisions for the purpose of removing existing difficulties and of introducing improvements into the present practice with which he would not trouble the House; but he might state that there was hardly an inconvenience suggested in the Reports of the different Commission on the subject which the Bill did not aim at meeting, and, if possible, removing. That being the state of the case with regard to the court, he should next call attention to the case of the various officers in the present courts throughout the country, whose courts would be abolished by the operation of the present Bill if it passed into a law. This was a part of the case which he approached with pain and reluctance, since it was impossible to doubt that in some quarters the expectations of suffering and loss were very great. But, first of all, the House of Commons, in dealing with a subject of this nature, were bound to look at what former Parliaments had placed upon record for their guidance. These enactments would establish the conclusion which he had before stated, that the Ecclesiastical Courts had been long ago condemned by Parliament as institutions that ought to be abolished. So long ago as 6 & 7 *Will.* IV. a statute was passed in consequence of the changes made by the Ecclesiastical Commissioners, which contained an express enactment, that from and after the passing of the Act no officer appointed to any office in any diocesan court, in any peculiar court, or in any ecclesiastical court, except the Judge and Registrar of the Metropolitan Court of Canterbury, should be entitled to any compensation if his office were abolished. That Act was passed in 1836, and twenty-one years' warning had therefore been given to the holders of these offices. Nor had the Act been permitted to remain a dead letter, for during the interval repeated attempts had been made to accomplish the destruction of these tribunals. The right hon. Gentleman the Member for Carlisle, than whom no one had more distinguished himself in his endeavours to reform these tribunals—no one had more distinguished himself by his zeal to accomplish the overthrow of these mischievous tribunals—was in office when this particular statute passed, and it was repeated by 10 & 11 of Her present Majesty, by which it was most positively enacted that no officer of these courts should be entitled to compensation if his office were abolished. That enactment affected the Judges, the deputy Judges, and the Registrars of the country courts, and also of the Prerogative Court of York. He admitted that it did not comprehend the proctors and all the other officers of the court. He did not now bring forward a Bill to repeal or fly in the face of these Acts of Parliament, and he proposed that all those officers who held their offices anterior to the passing of the Act 6 & 7 *Will.* IV. should receive full compensation. As to all those who had received their offices since the passing of that Act, one could not bear to turn them adrift without compensation, and he therefore proposed that they should be regarded as holding their offices during pleasure, and should receive compensation as on that principle. Thus, the one class of occupants would be held entitled to a freehold tenure, and the others would be regarded as holding their offices during pleasure, and would, of course, be treated in a different manner; but no one would go without compensation. There remained another class of meritorious officers to be provided for, whose condition he owned, in a great degree, excited his sympathy, and it would be for the House to consider whether the compensation to them should or should not be enlarged beyond the words of the clause. He alluded to the managing clerks of the Registrars and officers of the Metropolitan Court of Canterbury. The Bill provided compensation for these persons who might be supposed to be too old to enter into a new employment, and those who had served in this capacity for fifteen years would receive compensation under the Bill. He now came to another class of persons—the proctors, to whom the Bill secured a portion of their present monopoly. The condition of the proctors must be described with some distinctions. The Bill continued to proctors of the Prerogative Court of Canterbury a monopoly of what the Bill designated, by a term borrowed from their own vocabulary, as the "common-form" business. They would have the exclusive right of all the business of proving wills and obtaining letters of administration in the Metropolitan Court in cases where there was no contest and no dispute. Those who had read the Report of the last Commission would see that a number of proctors were examined by the Commissioners, and that they seemed to agree that if they could get the "common-form" business secured to them for a certain time they would have no cause to complain. The office of a proctor appeared gradually to have acquired a monopoly in the Ecclesiastical Courts, and the proctors relied upon a particular statute, 53 *Geo.* III. How this statute was passed he knew not, but that statute prohibited the proctors from associating their business with that of ordinary attorneys and solicitors and from any participation in their profits. This statute had given the proctors a complete monpoly of the gains of their office. The monopoly of the proctors of the Prerogative Court was so far recognised by the Bill that they would secure the benefit of all the gains of the common-form business. The House would also recollect that by the abolition of the Chester Court, in which the number of wills proved was very great, and also by the abolition of the Prerogative Court of York, and the diocesan and country courts the business in the London Court must be very greatly augmented. The present estimate was that the Prerogative Court of Canterbury transacted one-third of the common-form business of the country, and the House would judge what an amount of business the persons practising in this court would be likely to obtain from the introduction of all the common-form business in cases where the personal estate exceeded £1,500. But he did not rely exclusively on this source of income. The Bill would consolidate three Courts—the Admiralty Court, the Marriage and Divorce Court, and the Court of Probate. The House would observe how greatly the functions of the Court of Prerogative were augmented by the Bill. At present the Court of Prerogative dealt with contests arising from personal estate alone. Hereafter there would be brought into that court contested cases of real as well as personal estate. If the personal estate were not very considerable, the real estate might be of great value, and, remembering how constantly business ran in the same channel in which it had been accustomed to flow, he thought he should not be wrong in anticipating — and he sincerely and earnestly hoped his anticipations might be realised—that the condition of the proctors would be improved instead of injured by the Bill. The House would recollect that on former occasions he had presented things under a different aspect. It was his desire to have thrown the court open by abolishing the monopoly of the proctors, and he therefore thought it right to give them compensation. The Bill of last year and the preceding year proposed to give them annuities for life amounting to half the clear gain which, upon an average of some years, they had derived from their testamentary business. But he had been unable to please these gentlemen by his proposals, and principally through their opposition he had been prevented from carrying his Bills. What the present Bill proposed was to give them a monopoly of the "common-form" business in addition to the advantages he had mentioned. It was impossible, with regard to practitioners in courts, to do anything more than merely speculate whether a change would or would not be for their advantage.

It would be idle, indeed, for that House to assume to itself the power of prophesying as to the future, and, predicting with confidence that loss would result to individuals, to proceed to vote away the public money, when it might after all turn out that such generosity was wholly misplaced. They could not on public principle recognise the right of legal practitioners to a vested interest in the profits they might derive from the delay, inconvenience, loss, and suffering to suitors consequent on the defective state of the law. Such, persons, therefore, had no claim to compensation for improvements in the law which introduced expedition, simplicity, and economy in its administration. What would be said of the physician, the surgeon, or the apothecary, who, on some important discovery being made in medical science—like that of Dr. Jenner, for example—which afforded the means of mitigating much human suffering and of preventing disease, should think of demanding to be indemnified by the country for the abridgment of his professional gains? Therefore, he could not admit the right of the legal practitioner to compensation for changes of this kind made for the public good. The case might be different when a man's office was entirely done away with, but when the office was retained, and his practice and profits were to a great extent continued, the right to compensation could not be allowed. He believed he had now referred to all cases of compensation except that of Viscount Canterbury, whose right of succession to the office of registrar had been recognised by an Act of Parliament, 9 *Geo.* IV., and they had consequently no other resource but to provide that nobleman with an annuity. He had now gone through the matters to which he thought it right to call the attention of the House. Some hon. Gentlemen might imagine that the Bill ought to contain further provisions; but its main object was to effect those amendments in the law which had from time to time been suggested by the calmest and most temperate advisers as lying within the limits to which legislation on this subject should extend. The measure, though by no means as large and comprehensive in its character as previous schemes of this kind, would, he thought, be received with general approbation. It was founded, as far as it went, on a sound and just view of the case; and he believed it was calculated to remove all the most pressing evils, and meet all the most important requisitions which had been brought forward within the last thirty years by the greatest minds which had studied this question. The hon. and learned Gentleman concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. HENLEY said that, under ordinary circumstances, he should not have trespassed on the attention of the House; but having had the honour to be a member of the Commission to which the Attorney General had referred, and this Bill being conceived very much in the spirit recommended by the majority of that Commission, with whom he had the good fortune to agree, it was only right that he should express his approbation of it by seconding the Motion before the House. He had always thought that among the various improvements which were demanded on this subject, the four chief points were first—that, if a will dealing with real and personal property was by due legal process declared to be valid, it should enure as a good instrument both for real and personal property, and be readily carried out anywhere within the four corners of the kingdom. There might be a good deal of disputation as to the construction of wills and the administration of assets, but the amount of really contentious business in regard to wills was practically found to be almost infinitesimal. He rejoiced, therefore, that the Government had now directed their attention to the discovery of a convenient mode of conducting the "common-form" business, because it had hitherto been too much the habit of our great jurists to overlook this, which was, after all, the most important branch of the question, and to allow their views to be moulded chiefly by their own experience in the contentious cases. In fact, this circumstance accounted, to a great extent, for the failure of many previous attempts at legislation of this description. Another matter of complaint was the evil connected with the doctrine of *bona notabilia,* which loudly called for a remedy, and which this Bill would entirely set to rights. He must also express his satisfaction that this measure would furnish an index which would enable parties to find out where wills had been proved, and letters of administration, had been taken out; and thus the frightful expense incident to searching here and there, and employing attorneys to perform all those blessed journeys, which often ended in nothing but vexation and disappointment, would be wholly got rid of. He regretted, however, that advantage was not taken of the vast depository of information at Somerset House, the will stamp department, by means of which that excellent public officer, Mr. Trevor, stated that parties could easily learn, at the cost of 1*s*., where any will had been proved, or letters of administration had been taken out, within the last forty years. If this could be grafted upon the Bill, a great boon would be conferred upon the present generation, and the public saved an endless amount of trouble; whereas, the effects of this clause would not be felt for many years to come. Another valuable feature of this measure was, that it fully recognised the advantage of local jurisdiction within given limits. The people, and more especially the poorer classes, ought to have facilities for dealing with wills and obtaining administration, brought as far as possible home to their own doors. In turning his attention to the "common-form" business, as the hon. and learned Attorney General had done, he had avoided the rock on which so many of his predecessors in this enterprise had split. No doubt changes such as those now proposed must create a great deal of disturbance; but he believed this Bill would effect them with as little injury as might be to existing rights. It was wiser to pass a measure which would effect a great practical benefit than to strive unsuccessfully for something which might be more theoretically perfect, as the House had striven on this subject for the last thirty years. The Bill of the hon. and learned Gentleman contained the principal alterations which he (Mr. Henley) had for years wished to see effected in the granting of probates of wills and letters of administration, and he thought that the House and the country were much indebted to the hon. and learned Gentleman for waiving his own views and propounding a practical measure, which would in all likelihood receive the approbation of the Legislature, rather than as the bent of the hon. and learned Gentleman's mind would, in all probability, have inclined, one more theoretically perfect, but which would be rejected. There was a question of detail with regard to the constitution of the proposed Court of Probate, upon which he wished to observe, that when the Bill came to be discussed in Committee, it might be well for the House to consider whether or not the Admiralty Court should be amalgamated with the Court of Probate. He could not help thinking that such a step would have a tendency to overload the new court with business, and he threw out the hint now, merely that the point might receive due attention. There was another provision of great importance in the Bill—that by which every precaution would be taken for securing the means of taking care of property during litigation. This was a thing greatly needed and would give the greatest satisfaction to the country. As to the procedure of the proposed court, he, of course, must leave that matter to be dealt with by the legal Members of the House. He would, however, observe, that he hoped the sanguine expectation of the hon. and learned Gentleman as to the simplification of the process would be fulfilled. The hon. and learned Gentleman had stated, that the length of the process would be diminished one-half by his Bill, and sanguine as was his expectation in that respect, he (Mr. Henley) must say, that nobody was more capable than the hon. and learned Gentleman, of providing an effectual remedy for any evil to which he might direct his attention. He hoped that part of the provision with respect to the transmission of wills, by which the title to property was to be proved, would remain open for further consideration in Committee. People living in the country were very jealous about the custody of their documents of title. He was quite sure that the Bill would not facilitate the proof of their titles, and he therefore hoped that those documents would be allowed to remain where they were. Many of them affected the title of a poor man to a small cottage, and if all the wills of the country were to be hustled together, and sent to London, such a man could have little hope of vindicating his rights. The clause on that subject was rather obscurely drawn. He had received many communications from persons living in the country on the subject of the Bill, from which it was evident that they assumed that all wills, both past and to come, were to be kept in the district in which the property affected by them was situate. On no point were people living in the country more anxious than on their documents of title being easily accessible. It was more important that wills made up to this time, than those to be made hereafter, should be thus accessible, because the probates of the latter would, under this Bill, be admitted as evidence with regard to the property affected by them. In speaking upon the question of compensation, the hon. and learned Gentleman had altogether omitted to notice the claim of the proctors practising in the courts out of London to compensation. He (Mr. Henley) had no complaint to make of the manner in which he had dealt with the claim of the London proctors. Those practising in the country he believed were very few, and chiefly in Chester, York, and Exeter. They were not solicitors as well as proctors, and as solicitors were empowered to practise in the district courts, this Bill would unquestionably deprive them of all their business. He hoped that the House would consider their claim to compensation in a fair and liberal spirit. With regard to the proctors practising in London, he confessed that, after having sat on Commissions and Committees on this subject, he could not undertake to say whether they would lose or gain by the proposed change. The observations of the hon. and learned Gentleman on that point ought to be received with some reservation, and he hoped that the Government would not preclude the House from freely discussing it. The Bill would take away from the London proctors a class of business which was wholly irrespective of the amount bequeathed, that was to say, all wills relating to the funded property of the country. Under the present system, every will relating to funded property, whether of large or small amount, had to be proved in London. That class of wills undoubtedly gave a great deal of business to the London proctors. He was at first disposed to open the profession to solicitors, but the testimony which he had heard convinced him that the safety of the public would be best consulted by keeping it as it was. It seems there is a statute which prevents proctors from entering into partnership with solicitors, in other words, of sharing the spoils with them, when the solicitors brought them business; and the testimony conclusively established the fact that the present limited body of practitioners stood even-handed between the court and the client—that if the proctor observed anything in the will brought to him by his client, upon which he thought there rested the shadow of a shade of suspicion, he directed the attention of the court to it, feeling that, as an officer of the court, it was his duty to do so. It might be very difficult for the Judge of the court to be well acquainted with the character of each of the 150 proctors who practised in his court; but, if the business were to be thrown open to 10,000 or 11,000 solicitors, how was it possible for him to acquire such a knowledge of their moral reputation as would justify his reposing that confidence in them which he might well repose in the present limited number of the practitioners? The evidence was irresistible as to the great security with which the "common-form" business had been hitherto transacted, and he did not think it would be wise to disturb the existing system for the sake of the imaginary advantage of opening the business to solicitors.

The ATTORNEY GENERAL said, that with reference to one suggestion of the right hon. Gentleman, he wished to explain that he had omitted to mention that a distinction should be recognised between the proctors of York and Chester and those of London, and that he thought they stood upon a different footing. This case was under consideration. He had neglected, also, to point out that there was another class of persons entitled to the greatest consideration—he meant those clergymen who acted as surrogates, and who would be converted into commissioners by the Bill. Perhaps the House would also allow him to state that a provision was introduced into the Bill for disposing of contentious cases with regard to real estates, where the amounts involved were very small, through the agency of the County Courts.

MR. COLLIER said, that he intended to support the Second Reading of this Bill, believing it would be a very great improvement upon the existing state of things, anything worse than which, indeed, it was difficult for the imagination to conceive. He would not dwell upon the merits of the measure; they had already been ably pointed out; but he felt bound to say that it possessed very serious defects—so serious, in fact, that if he did not think they could be remedied in Committee he should have some doubt as to the course he ought to pursue. His objections were twofold. In the first place, he deemed it unnecessary to create a new court at all; and, in the second place, the court which was about to be created was an inefficient one. He was justified in supposing that this was not the Attorney General's Bill, though, having it in charge, his hon. and learned Friend, of course, felt bound to say all he could in its favour.

The Bill introduced by his hon. and learned Friend last year was not only a different Bill, but might be said to be diametrically opposed to the one before the House. That was the largest—this might be described as the smallest possible measure. The former Bill of his hon. and learned Friend proposed to consolidate three jurisdictions respecting wills—the jurisdiction of the Ecclesiastical Courts, which related to the validity of wills in personalty; the jurisdiction of the Courts of Common Law, in wills involving realty; and the jurisdiction of the Court of Chancery, which related to the administration of assets real and personal. His hon. and learned Friend proposed to unite these three jurisdictions, and if that proposal had been acceded to, undoubtedly a new court with a new Judge would have been required. Whatever might have been its defects—and of those, as the Bill was dead and gone, he would not speak—that was a bold and comprehensive idea; the measure was throughout conceived in no narrow or pettifogging spirit, and was not unworthy of his hon. and learned Friend's great reputation. The present, however, was, he repeated, the smallest possible measure. Instead of consolidating three jurisdictions, it dealt only with one—that of the Ecclesiastical Courts, and actually cut that in two, giving the greater and more important part of it to the Courts of Common Law, and reserving the residue for a new Judge. It called into existence a new court with all its paraphernalia of officers, trainbearers, &c., saddling the country with precisely the same pecuniary burden as the measure of last year, whereas it would transact only a small portion of the business arising out of one of the three jurisdictions which the other Bill united. It established a new Judge and a new court for the purpose of dealing with a portion only of the jurisdiction of the Ecclesiastical Courts—namely, that which related to non-contentious matters, and some questions of law; while all the important issues on the great questions of fact, such as the sanity of the testator, the question whether undue influence was exercised upon him, whether the will was a forgery, or whether it was duly executed, were not to be tried by the new Judge, but by the Courts of Common Law. This Bill perpetuated what he thought might be described as the game of battledore and shuttlecock—well-known in our judicial system—whereby a suitor was with a good deal of noise knocked about from court to court, generally losing a portion of his feathers at each flight. In the present instance he would go into the new court, with its affidavits and interrogatories, which the proctors would take care to maintain as long as possible; next he would be sent into a Common Law Court, then he could come back into the Court of Probate, and the chances were that Chancery would claim him besides. Now he (Mr. Collier) contended that if the suitor in all important cases was to go to the Courts of Common Law in the end, he might just as well go there at once. There was no necessity for a new court to try cases of no great importance, referring all great questions of fact which arose to the Courts of Common Law. In place of this, he proposed that the Courts of Common Law should transact all contentious business, and that all the non-contentious business should be disposed of, not by a new Judge, but by an office and a registrar with a salary—say, of £1,500 a year. Such an officer would be able to transact satisfactorily all the "common-form" business, while the contentious business would be transferred at once to the superior Courts of Common Law. Among the complaints made respecting the administration of justice in this country he had never heard it said that we did not possess a sufficient number of courts. There were Courts of Common Law, Courts of Chancery, Ecclesiastical Courts, Courts of Bankruptcy and Insolvency, County Courts, Courts of Quarter Session, and what not, and it was owing to the conflict of their jurisdiction that much of the scandal attaching to our law arose, and that such expense, and occasionally ruin, were inflicted upon suitors. They had recently witnessed an example of this conflict of jurisdictions in the struggle between Chancery and Bankruptcy for the carcase of the Royal British Bank. Well, at this moment a Commission was sitting to inquire whether the fifteen common law Judges should not be reduced in number, because they had not enough to occupy them in consequence of the County Courts having taken away a great part of their jurisdiction; and it would be a strange thing to create a sixteenth Judge at the very moment when this Commission might say that fifteen were too many. If the House came to consider this matter, what was there with respect to a will of greater interest and complexity, or which made it more difficult to deal with, than a deed or contract, or any instrument whereby a man disposed of his property during his life? The civil law drew no such distinction, instituted no peculiar mode of proceeding with respect to a will, and created no privileged or monopolizing practitioners in will cases. In no other civilized country, indeed, besides our own, was such a distinction recognised. In America the County Courts dealt with wills; in India no courts of probate, no doctors, no proctors, existed, and his hon. and learned Friend the late Chief Justice (Sir E. Perry) would probably bear him out in saying that no difficulty was found there in transacting the testamentary business by the ordinary tribunals. But there was an example nearer home. About thirty years ago the Commissary Courts of Scotland, which succeeded the old Ecclesiastical Courts of that country, were abolished precisely as they now proposed to abolish the Ecclesiastical Courts in England. Was a new court created to fill their place? Not so. The Scotch would not endure, would not pay for, any new tribunal. The jurisdiction was transferred to the ordinary tribunals of the country—to the Sheriff's Court and to the Court of Session—and he should be very much surprised indeed to hear from any Scotch Member that these tribunals were incompetent for the business transferred to them, and that a new court was desiderated. He wanted to know why the Courts of Westminster Hall should not do in England what the Court of Session could do in Scotland? He said, then, that there was no necessity for a new court, but that this jurisdiction of the Ecclesiastical Court was in the nature of a diseased excrescence upon our judicial system, which a healthy action would remedy and absorb. The Lord Chancellor, in introducing a Bill very nearly similar to this, last Session, said—

> "Under the measure I propose the Judge of the Court will have really next to nothing to do. The registrars will in ordinary cases determine whether a new will is in force or not, appealing to the Judge for assistance whenever they require it, and when a question of fact arises—for example, whether the testator were a man of sound mind, or whether the will was duly executed—I propose that such questions should be dealt with exactly in the same manner as an issue is directed by the Court of Chancery to be tried in a court of law, and that nothing shall be done by the Judge, except sending them wherever they can most conveniently be tried . . . . This being the case, I cannot honestly propose the creation of a new Judge."

That was on the 10th of February in this present year; yet, now, in June, a Judge was proposed who would confessedly have next to nothing to do. The Lord Chancellor, in introducing the present Bill, had been induced, he believed, to propose the new court and new Judge against his better judgment. Indeed, the noble and learned Lord stated that the suggestion had been forced upon him—whether by the proctors or not he (Mr. Collier) did not know—but he still expressed his opinion that the new Judge would not have enough to do. That being so, he made the new functionary assistant-judge in the Divorce Court; but, even then, he would not have sufficient to occupy him, and so, some time or another, although when was not stated, the Admiralty jurisdiction also was to be given to him, and then it was supposed that he would have something to do. But what a medley of jurisdictions was given to this court—wills, ships, and marriages; what on earth had they to do with one another? They might just as well take the various branches of our law alphabetically, and refer them in threes to different jurisdictions—thus, bankruptcy, burglary, bills of exchange, or poaching, parish law, and piracy. Or they might shake up all the jurisdictions in a bag and put them together three at a time, just as they came out: the system would be quite as sensible and intelligible as the one now proposed. But this did not seem to him to be the plan on which they ought to proceed, and to legislate upon such a principle—if principle it could be called—did not say much for the hopefulness of the cause of law reform. It was most important for the purpose of reducing to order and harmony the entangled system of our laws, not merely to look to the exigency of immediate operations, but to take a comprehensive view of the entire judicial system, and to deal with each part in reference to the harmony of the whole. Upon a review of the main provisions of this Bill, then, he thought that he was justified in saying that it saddled the country with a new court where a new court was not necessary; that the court which it provided would not be an efficient one, and that the Judge of that court, if he were a man of active mind, and had a great appetite for intellectual and judicial nutriment, would be starved—that he would be fed upon husks and straw while the fatted calves of litigation would be devoured by others. He (Mr. Collier) should endeavour by means of

Amendments in Committee to reduce that new court to an office with a registrar, and to refer the whole of the contentious business to the Courts of Common Law. That would be in accordance with the Bill which he had introduced four years ago, which had often received the active assistance of his hon. and learned Friend the Solicitor General, and he was sure that the fact of his hon. and learned Friend being now in office would make no difference in his opinion. He objected, also, to the jurisdiction of the Court of Admiralty being given to the new court, because he was of opinion that it ought to be transferred to the Court of Common Law. The latter courts decided cases of collision and awarded damages, and he could not see why they should not be entrusted with the power of apportioning damages between the vessels themselves. There were some other points of detail to which he entertained objections, and he would say one word with regard to the appeal. There was a provision in the Bill allowing an appeal to the Judicial Committee of the Privy Council, who were again to hand the case over to the House of Lords. Here was an instance of the shuttlecock and battledore system again. With respect to the administration of the law, it was of the utmost importance to give the County Courts jurisdiction in cases of probate, because not to do so would amount to a denial of justice to the poor man. But he could not understand why the County Court districts should be adopted for contentious purposes, and the diocesan districts for non-contentious. Nothing could be more unsystematic than to have one set of districts for trying the contentious, and a different set for trying the non-contentious questions. This would very much limit the public accommodation. There was only one place of registration for Westmoreland and Cumberland for instance—namely, Carlisle. Peterborough was the place of registration for part of Northamptonshire, Huntingdonshire, and Cambridgeshire. He should take the sense of the House whether the County Court districts should not be adhered to. His hon. and learned Friend the Attorney General adopted his proposition on that point in the Bill of last Session. These were the outlines of the objections he felt to the present Bill, and he should submit clauses for the purpose of introducing the Amendments he had pointed out. He was strongly of opinion that they ought altogether to get rid of the old cumbrous and obsolete Ecclesiastical Courts, and transfer the jurisdiction to the ordinary tribunals of the country.

MR. ROLT said, he should certainly despair of the cause of law reform if the views expressed by the hon. and learned Member for Plymouth (Mr. Collier) were adopted. He should not, however, follow his hon. and learned Friend through all the details which he had brought before the House, and which were more fit for consideration in Committee, but would merely observe that, as a member of the Commission whose recommendations the present Bill substantially carried out, he understood that the great crying grievance requiring remedy consisted in the multiplicity of independent jurisdictions with respect to the probate of wills and the grants of letters of administration, and the difficulty, nay, almost practical impossibility of determining with anything like certainty the particular jurisdiction which had to deal with particular cases. That inconvenience had been admitted for nearly the greater part of this century, but it was a grievance arising, not from any defect in the original constitution of the tribunals, or from any abuse of the jurisdiction exercised, but from the rapid increase of wealth in respect to personal property, from the formation of canals and railroads, by which the amount of personal property had been so greatly increased and complicated that the simple jurisdiction, which was amply sufficient when these tribunals were first instituted, became wholly unfit for the purpose of regulating the succession to personal property. To meet the inconveniences arising from this state of things some remedy was of course required. Various remedies were suggested, but he would now refer but to three—namely, reducing the existing testamentary tribunals to one or two, and improving the jurisdiction where it was defective; transferring the jurisdiction to some existing court or courts, as the Court of Chancery or the Courts of Common Law, and lastly, the creation of some new court, which should deal with the whole subject. According to his notions of law reform these subjects were even yet hardly quite ripe for discussion in that House. They were mixed questions of law and fact, which he felt his hon. and learned Friend and every hon. Member in that House must be unacquainted with, unless they had taken great pains to inform themselves on the subject. It was idle to attempt to legislate on the subject without knowing the whole facts and exactly how the law was administered in these tribunals. To obtain that knowledge required patient research, so that the investigation was fitter for a Select Committee or Commission. Upon this subject there was a Royal Commission in 1830, which reported in 1832. That was followed by a Select Committee of that House, by a Select Committee of the House of Lords, and again by a Select Committee of the Commons; and lastly there was the Chancery Commission issued some years ago, to which a supplemental Commission was issued in 1850. This Commission had all former proceedings submitted to it, and yet, in addition, it devoted a considerable portion of time in examining witnesses, ascertaining the state of the law, and inquiring respecting the course pursued in the Ecclesiastical Courts. The constitution of the Commission was numerous and varied. It consisted of one of the Lords Justices, the Master of the Rolls, the two Vice Chancellors, one Judge of the Common Law Courts, the Dean of Arches, the Queen's Advocate, the Attorney General, two gentlemen from the Chancery Bar, the right hon. Member for Carlisle, and the right hon. Member for Oxfordshire. When he mentioned as members of that Commission Lord Justice Turner and Vice Chancellor Page Wood, he felt that their great legal knowledge and judicial impartiality afforded a sufficient guarantee that everything which could be done would be effected to apply some proper remedy to the inconveniences which were felt to exist. He thought it would be a sound proceeding, in attempting law reform, for that House to consider, and, in the main, to adopt what such a Commission recommended. The Commission came to the conclusion that the right course to pursue was to sweep away the existing multiplicity of jurisdictions and establish one tribunal in London in their stead. His hon. Friend said that the new tribunal would have nothing to do, but his hon. Friend totally misunderstood the nature of "common-form" business. The bare authentication of the will was not all that was required, for it was really business of importance, requiring great checks, great knowledge, and great experience. When a will existed it was necessary to decide who was to be the executor to deal with the personal estate. In a large proportion of cases there was either no executor named or the executor renounced the probate, or it was doubtful who was the executor. In cases of intestacy, it was necessary to determine who was entitled to administer—often a question not easy of solution. Then there were the difficulties arising on the deaths of heirs or administrators before the estate was fully administered. These were questions of the highest importance, and his hon. Friend was mistaken in supposing that it could be satisfactorily disposed of by some one gentleman in an office with £1,500 a year. If they were to proceed in that way in effecting law reform, they would find that they would be sacrificing the rights of property. A large proportion of the "common-form" business necessarily went to the Judge to consider, and it must not be supposed that, because the Judge did not sit in open court for six hours every day he had, therefore, nothing to do. He thought it might be very possible to engraft upon the business of the Testamentary Court a portion of those legal proceedings which were based on the civil law. Three members of the Commission—the Attorney General, the right hon. Baronet opposite (Sir James Graham), and the Master of the Rolls—were in favour of transferring the testamentary jurisdiction to the Court of Chancery, but the majority were opposed to such a measure; but, whether it were transferred to the Court of Chancery or to a Court of Common Law, it would only become a separate department of such court, for the business was so considerable that it would afford occupation enough to a department. Whether the business were transferred to the Chancery or Common Law Courts, or elsewhere, there would necessarily be a new and distinct department with its own officers. The Commissioners, after carefully considering the subject, arrived at the conclusion that it was not desirable to transfer the jurisdiction either to the Courts of Chancery or Common Law, but that the best course would be to create a new and independent court, which should deal with the whole of the business, and he (Mr. Rolt) would oppose any attempt which might be made in Committee to prevent the establishment of such a tribunal. There were certainly some provisions of the Bill which he did not fully approve, but he thought the time had arrived when hon. Members ought to be prepared to sacrifice their opinions as to matters of detail in order to carry into effect a great reform which would sweep away the existing multiplicity of jurisdictions and establish a single jurisdiction in their stead. One question of considerable importance which had been mentioned during this discussion was that of compensation. He believed there was no reason to fear the rejection of this measure because it provided some compensation for those who would sustain loss in consequence of the legal reform which it would accomplish, and he had no doubt the noble Lord at the head of the Government would be grateful to the House if it enabled him to do justice to those whose interests would be affected. He considered that compensation ought to be afforded to a greater extent than was contemplated by the Bill in its present form. If he could agree with the Attorney General that the object of the measure was to secure a monopoly to the proctors, he, for one, would oppose such a monopoly. He denied, however, that the office of proctor was a monopoly. It would be as reasonable to speak of his hon. and learned Friend's monopolizing the office of Attorney General as to speak of the monopoly of their offices by the proctors. Those gentlemen were officers of the court, and if they were abolished to-morrow, a new body of clerks or officials must be created, under some other name, to supply their places. The only question would be whether or not the new officials should receive the same fees as the proctors. It was absolutely necessary, when many thousands of wills were proved annually, that a body of officials should exist whose experience enabled them to detect attempts at fraud, and to advise upon the nice questions which were constantly arising. Parliament might transfer the business to others if they pleased, but the Judge of the court would find it necessary to appoint officials who would perform the duties of proctors under some other name. He believed that if the House was satisfied this measure would deprive the proctors of a considerable portion of their business, to the detriment of the public, they, as well as the Government, would be prepared to do justice to those gentlemen. This subject had received long and careful consideration. The present Bill was the fourth measure relating to testamentary jurisdiction which had been introduced since 1852, and he hoped the House would be of opinion the time had arrived when any petty difference as to questions of detail should be disregarded, and when an attempt should be made to remedy the serious grievances which resulted from the existing multiplicity of jurisdiction. He wished, before he sat down, to correct a misapprehension on the part of the Attorney General, who, as he understood, stated that a Bill previously introduced on this subject had been opposed by the proctors, because it only proposed to afford them compensation to the extent of one-half the amount of their receipts. If he (Mr. Rolt) was correctly informed, the proctors, although they did not think that measure harmonized with the Report of the Commissioners, did not as a body offer any opposition to it, but would have been perfectly content if it had passed. He hoped the House would assent to the second reading of the present Bill, and that it would receive such Amendments in Committee as would ensure its passing into a law.

MR. COLLIER observed, in explanation, that when he said the new court would have next to nothing to do, he did not use his own words, but those of the Lord Chancellor. The hon. and learned Gentleman seemed to suppose that he (Mr. Collier) was expressing his own opinion.

MR. MALINS said, he had, on former occasions, uniformly opposed the measures proposed on this subject by the Government; but he was much gratified at finding he was able to give his support to the second reading of this Bill, which would carry into effect the views he had advocated during the last four years. He entertained some objection to the details of the measure, but thought on disputed points some arrangement might be made which would be generally acceptable when the Bill was in Committee. The great evil which he desired to see removed was the existence of so many different jurisdictions, amounting to some 400 in number. One great evil in the present system was the rule as to *bona notabilia*, which required a will to be proved in every diocese where the testator had property. He had always said these subjects ought no longer to be matters of ecclesiastical jurisdiction, but should, on the contrary, be dealt with by a court emanating directly from the Sovereign, as the fountain of all justice, and therefore to the proposal for a new Court of Probate he gave his cordial support. He thought, however, that this principle would not be carried out in a satisfactory manner under the Bill as it then stood, as he strongly disapproved, for instance, of the proposal that an appeal should be to the House of Lords instead of the Privy Council. But he would reserve to himself the right of objecting to matters of detail, and, with that reservation, give his general support to the Bill, but upon one understanding. This was a measure which destroyed great interests, and called on many persons in the country to make great sacrifices, and he was therefore gratified to hear his hon. and learned Friend the Attorney General concede that the case of the proctors of the Prerogative Court of York was entitled to consideration in reference to the question of compensation. Those proctors of the Prerogative Court of York were a privileged body of men, whose offices had existed during several centuries, and who had succeeded to their business only by slow degrees and after great pecuniary sacrifices in early life; and he would say, if a Bill had passed that House which abolished the rights of such a body of men as that without awarding them compensation, it would have been anything but a creditable piece of legislation. He was, therefore, glad that his hon. and learned Friend (the Attorney General) had, as soon as their case was stated to him, conceded the pressing nature of their claims. The principle, then, being conceded, he (Mr. Malins) came to questions of fact; and if his hon. and learned Friend was right in conceding the claims of the proctors of York and Chester, it followed that he must make a similar concession where the same state of things existed. But his hon. and learned Friend had stated that he could not grant the concession with regard to the proctors in London, and gave as a reason for that distinction that the House could not compensate where improvements were to be made. But the principle of his hon. and learned Friend was either right or wrong, and if the principle was wrong why did he compensate the proctors of York, seeing that they, too, were to be the victims of an improved practice? [Viscount PALMERSTON: Because the Bill sweeps their offices from the face of the earth.] The noble Lord said their offices were to be swept from the face of the earth. Because, therefore, the proctors of York, as such, were to be swept from the land the noble Lord would award them compensation, but would refuse it to a class of men whose interests would be so damaged by the operation of this Bill that they would hereafter gain only £100 by their practice where they now earned £400. These were men, about 120 in number, of station in society and of great respectability, and many of whom had large families depending upon them. They had privileges which they and those who had gone before them had enjoyed for six centuries; many of them were men of great age, some of them of middle age, and others who were just commencing life; and was the House prepared to annihilate, as it were, 120 families, and send them destitute into the world? Although the Bill preserved to the London proctors the "common-form" business in Doctors' Commons, he was convinced that the privilege they had enjoyed would be gone in substance, and hereafter exist only in name, and that they would be deprived of at least four-fifths of their emoluments. If the Bill, in preserving to the London proctors the "common-form" business had preserved to them the great bulk of their practice, he (Mr. Malins) would have been the first to say that theirs was not a case for compensation; but if it destroyed, as he submitted it would, the great bulk of their business, then he contended they were, on principle, as much entitled to compensation to the extent of their loss as the proctors of York, and that in a case of public necessity, where public interest required the privileges of individuals to be abolished, public justice also required that those whose privileges were abolished should be compensated for the loss. He had that very evening presented to the House the petitions of two young men, one of whom had paid £840, and the other £900 premium, on being articled to the profession of a proctor, in addition to the stamp duty of £120 to the Government in each case. He had seen these gentlemen, who had devoted seven years to the study of their profession, and they had stated to him that they were willing to forego all the loss of time they had spent in making themselves familiar with a profession which would now be practically valueless to them by the operation of this Bill, but they appealed to the justice of the House that they should be at least reïmbursed the money they expended on their entrance to it. He repeated that the effect of the Bill on the London proctors would be to deprive them of something like seven-eighths of their present emoluments. He was surprised to hear his hon. and learned Friend the Attorney General say that the London proctors would have their business increased by the present Bill. The number of wills proved and administrations granted in England was about 25,000 a year; of these not more than 100 were contested, so that it appeared that the non-contentious business produced the greater amount of their profit. The Attorney General, however, proposed to throw open the contentious business to the profession; another class of cases he gave to the County Courts, while he required that in all cases where the property did not exceed £1,500 it should be proved in the district courts; and if the statement of the London proctors were true, that four-fifths of their business would be lost if the present Bill passed, it was reasonable that, like the proctors of York and Chester, they should receive compensation. This was a question of fact; and in Committee he should go into statements which would place it beyond all doubt. And he would warn the noble Lord, that if this fact were proved he would yet meet with difficulties in passing the Bill, if he did not concede a principle which the House and the country were satisfied was founded in justice. He yielded, however, to no one in the desire to see this question settled, and a single Court of Probate established. He should, therefore, support the second reading, but he did not thereby pledge himself to support the future stages of the Bill unless a fair and full measure of justice were given to those concerned. Last year the Attorney General proposed to compensate the proctors to the amount of half their receipts, calculated on an average of the last five years, by means of the fee fund, so as not to throw any additional burden upon the public. The same principle ought to be conceded by this Bill, and carried out in the same manner; and a clause to that effect would be proposed in Committee. If the hon. and learned Gentleman would grant fair and just compensation by means of the suitors' fund there would be nothing to prevent the Bill becoming law during the present Session.

Mr. WESTHEAD said, that the city of York, by its ecclesiastical jurisdiction, had authority to a considerable extent over at least twice the population of Scotland, and over an immense amount of real property. The case of the proctors of York was, however, different from that of their London brethren. In some respects they formed a body quite unique. Their constitution had been unchanged since the year 1311. Eight proctors existed then, and the same number held office now. They took their offices by seniority. Each proctor had a clerk, and each clerk in the order of his seniority took the place of a proctor when a vacancy occurred. They did not practise as attorneys, and under this Bill their occupation as proctors in York would be entirely gone. The county of York, under this Bill, would be divided into four districts—the East Riding, the North Riding, certain parts of the West Riding, and the Leeds district, containing the populous towns of Leeds, Sheffield, Huddersfield, &c. The effect of the Bill would, therefore, be to impose some inconvenience upon the residents near York, for those who lived one or two miles from the city on one side would have to go to Hull, and those who lived a mile or two on the other side would have to go to Richmond to prove their wills. He was glad to hear the assurance given by the Attorney General that attention would be paid to the equitable claims of the proctors of York to compensation.

Sir ERSKINE PERRY said, that he also agreed in the opinion that minor differences must be sunk in dealing with this question. The objection had not been rightly stated as to the existing tribunals. The complaint was not so much to the number as to the conflicting powers and limited jurisdiction of the existing 400 tribunals. So far as these were local courts, giving administration and probate upon simple terms, they did good; nor was he without apprehension that in forming one grand court the taking out of probates and administration might become more expensive to the country than at present. He was glad therefore that the views of the Commissioners against local courts had not prevailed, and that jurisdiction had been given in certain cases to the County Courts. The sound principle evidently was to allow them to exercise jurisdiction, whether contentious or not, at the option of the suitors, who were the best judges whether the courts satisfied them or not, but with the utmost facility to any of the parties to go before the Superior Court in London whenever they chose. The Bill proposed to appoint registrars throughout the country to give administration in non-contentious cases. Why those functionaries should not be attached at once to the County Courts he was at a loss to imagine. These, however, were points upon which he would not dwell, his principal object in rising being to say a few words upon the claim advanced on behalf of the proctors for compensation. It might be deemed an ungracious step for any one belonging like himself to the legal profession, to stand up and answer the arguments which had been laid before the House upon that subject; but, nevertheless, he ventured to entreat the noble Lord at the head of the Government not to listen to the plausible appeals which had been addressed to him, unless a much stronger case were made out than anything which the House had yet heard. Feelings of benevolence were easy enough to indulge when the purse was large and did not belong to the benefactor. Last year the Bill on this subject would have saddled the country with compensation to the extent of £100,000 a year, and he believed that the clause in question was one of the main reasons of the measure being lost. The proctors, it was said, had offered to accept a monopoly of the "common-form" business for ten years as a sufficient compensation to them if the courts after that time were thrown open to the profession. This Bill, however, proposed to give to them a perpetual monopoly. That was a subject deserving the attention of the Government and the House. For his own part, after considerable experience in law reforms, when he presided over a Court of Justice, he had always found every step in the way of improvement impeded by appeals for compensation, and he had been obliged, after consultation with the Government authorities, to consider each case on its own footing, subject to the general principle that officers of the courts must yield to the public necessities. He was in hopes, however, that in the event of the new court being established, and with the additional practice which the Divorce Bill, now under discussion in another place, would produce, the proctors would succeed in acquiring a larger amount of practice than they had hitherto enjoyed; and, if so, it would be a waste of the public money to accede to the claim advanced on their behalf by the hon. and learned Member for Wallingford. They knew by the experience of the present Session that the noble Lord was extremely powerful, and could carry any measure he chose, but they had also seen that on questions of economy the House asserted a will of its own, and he trusted the noble Lord would not listen to the claims urged on him, but adhere to the principle he had already adopted, and carry the Bill as it now stood.

MR. HUDSON said, that he felt grateful to the Government and the House for the consideration which they were evidently disposed to give to the claims of individuals who would be affected by the operation of this Bill, and he could assure them that no body of gentlemen could be more entitled to their consideration than the proctors of York. Some of them were so aged that they could not be expected to remove to London. He wished to call the attention of the Attorney General to one defect in the Bill. When the measure passed, a person residing within half a mile of York, if he wanted to make his will, would have to go fifty or sixty miles for that purpose. He would have preferred to have a local jurisdiction altogether; but if that were not to be the object of this Bill, at least he trusted that York, a very ancient city, the centre of a populous district, would be named one of the places in which wills might be proved. It had long possessed that jurisdiction, which he hoped would not be taken from it now.

THE SOLICITOR GENERAL said, he rose for the purpose of congratulating the House, and the country at large, upon the prospect which, judging from the unanimity of sentiment which had been expressed on all sides that evening, they now had of witnessing the accomplishment of a great measure of legal reform. From the time he had first commenced the practice of his profession this subject had engaged the attention of all legal reformers, and since he had the honour of a seat in the House various Bills had been introduced. All were agreed on the necessity of reform, but while they were contending as to the proper mode of destroying the existing jurisdiction, that jurisdiction continued; and unless some such measure as this was introduced, coupled with a strong appeal to the common sense of the House to forgo all minor differences, Doctors' Commons would yet flourish for many years. It was very gratifying to see that while the hon. and learned Member for Plymouth (Mr. Collier) excepted in some degree to the Bill before the House, he did not maintain that it was not calculated to get rid of the evil which it was intended to cure, but merely said that it did not effect that object in the best possible way. The hon. and learned Gentleman had always been of opinion that the jurisdiction of the Ecclesiastical Courts should be transferred to the Courts of Common Law, and had in 1852 introduced a Bill to that effect, and had repeated that course in various subsequent Sessions. He (the Solicitor General) had given his support to those measures of his hon. and learned Friend, but he could not forget the fact that not one of the Bills which had been introduced for the purpose to which he had referred had ever been read a second time. The transfer of jurisdiction in small matters to the County Courts was a feature in the Bill of his hon. and learned Friend the Member for Plymouth (Mr. Collier) which met with his (the Solicitor General's) approval, and he rejoiced to think that in the present Bill the same feature appeared, as it contained provisions for referring to local and cheap tribunals disputes on property of deceased persons which was of little value. Looking at this as a practical measure, which would effectually get rid of existing evils, and, by uniting various opinions as to the best mode of getting rid of them, insure its safe passage through the House, he felt not the slightest hesitation in doing that in office which he would have done out of office—namely, give the Bill his unqualified assent. In one sense this would be a new court, but it would be constructed of materials at the disposal of the Legislature, and thereby many difficult questions, including that of compensation, would be avoided. He did not doubt that the court would be fully occupied, when, in addition to the "common-form" business, it had to dispose of questions of marriage and divorce, and matters now disposed of in the Admiralty Court. The hon. and learned Member for Plymouth, when he spoke of the transfer to the Courts of Common Law, must have contemplated the ultimate transfer of all that business: otherwise the Admiralty Court and a new court for marriage and divorce would be required; but he thought the Judges of the Common Law Courts, notwithstanding the Commission which was now sitting, would scarcely be prepared to take upon themselves that additional burden, and he doubted whether the machinery of those courts would enable them to deal with the whole business in a manner satisfactory to the public. Again congratulating the House at the prospect of getting rid at last of widespread grievances, he would conclude by expressing his hope soon to see this useful and practical measure passed into a law.

Mr. HEADLAM said, he also desired to express his congratulations to the Attorney General in having at last introduced a Bill which promised to bring this long-pending controversy to a conclusion. The framers of this Bill had steered clear of the rocks on which former measures had been shipwrecked. One great fault of these measures was, that they tended unduly to centralize not only the legal business but the deposit of the wills in London. This Bill, however, was clear from those objections. Another difficulty incident to former measures was, that they tended to throw the decision of all questions affecting wills into the Court of Chancery. With that objection he sympathized to a great degree. He believed that many objections to the present system were rather founded upon sentiments arising out of their ecclesiastical character, than upon real existing faults and grievances. Now, the Court of Chancery was open to the same kind of objection; and he was therefore glad that this Bill did not propose in any way to transfer the jurisdiction to that court; a fact, which he thought would be very satisfactory to the country. He was not desirous of entering into matters of detail on that occasion, but he did not think that the case of the city of York called for any especial consideration from that House. But the case of the York proctors stood upon quite a different footing from those of Canterbury, and he hoped that the House would be ready to consider carefully any fair claims they might have. He could only, in conclusion, say how much he rejoiced at the prospects of an early settlement of this question, and he hoped in Committee they would unite in endeavouring to make the Bill as perfect as possible.

Mr. CAIRNS said, he was quite ready to join in the congratulations which had been expressed at the prospect of the measure meeting with the approbation of the House. He thought the unanimity with which it was attended was owing to the discretion of its framers in not going too far, but accommodating themselves to the necessities of the case, and thus steering clear of the objections which had been fatal to former propositions. This was not the time to discuss minute details, yet as the distinction between principle and detail was somewhat fine, he would throw out some suggestions for the consideration of the right hon. Gentleman the Attorney General. He quite agreed that, as they were going to establish a Supreme Court, to be called the Court of Probate, the Judge of that court, with respect to salary and other provisions, should be placed in a position to give him weight and importance, and when they had assigned to him such a position, the next care must be to give him something to do. He was surprised to find that, with regard to the contentious business, in every case in which the heir-at-law desired to dispute a will the matter would be withdrawn from the Judge of the Court of Probate, and sent to be tried as an issue at common law. He was quite aware that there was no satisfactory way of deciding claims to real estate except by the verdict of a jury, but he wanted to know why that decision could not be obtained under the direction of the Judge of the Court of Probate? It had been the disgrace of the legal system of this country that it had been in the habit of bandying suits from one court to another. A suit was instituted in one court, handed over to another to decide a question of fact or of law, and then brought back to the court in which it was instituted for ultimate decision. That was exactly what it was proposed to do with regard to cases in which the heir-at-law disputed the will. It might be right to appeal to a jury, but why could not that be done before the Judge of the Court of Probate—why need it be handed over to the courts of common law? If the Judge of the Court of Probate were competent to sit at the head of that court, he was also competent to direct a jury in the trial of a question of fact relating to a will. According, however, to this Bill, the Judge of the Court of Probate, with all his special knowledge of the law applicable to wills, with all his peculiar aptitude for investigating questions affecting the sanity or insanity of the testator, or the exercise of undue influence on the part of the person obtaining the will, was not to direct the jury, but they were to be directed by a common law Judge, whose experience was entirely confined to a different branch of the law. That was an anomaly which he trusted would be corrected when the measure went into Committee. Another provision that excited his surprise was, that all appeals from the Court of Probate were not to lie to the tribunal to which all such appeals had hitherto gone—namely, the Judicial Committee of Privy Council—but were to go to the Judicial Committee of Privy Council at stage No. 1, and then to be referred by that court to the House of Lords at stage No. 2. Of all the courts of the country none was more popular than the Judicial Committee of Privy Council, and no part of the business of that court was more satisfactorily transacted than the appeals from the Ecclesiastical Courts respecting wills. This provision appeared to have crept into the Bill in another place out of deference to the prejudices of those who had charge of the measure. In the last Parliament they had a discussion on the appellate jurisdiction of the House of Lords, with the result of which they were all familiar, and nothing that had since occurred had furnished a substantial remedy for the complaints made against that tribunal. Was there, then, any valid ground for taking away this appellate business from a court which had heretofore discharged it to the satisfaction of the suitors, and transferring it to a tribunal which had never yet possessed it, and which was not, to say the least, in the very best odour with the public? No doubt it would be wise to allow contentious cases of trifling amount to be decided in the County Courts, but, singular to state, it was proposed that appeals in regard to those will cases were to go to the same Common Law Court as ordinary appeals from the decisions of the County Courts. Surely this was multiplying courts of appeal with a vengeance and laying a foundation for differences in practice and decision. These appeals from the County Courts ought, beyond all doubt, to lie in the first instance to the new Court of Probate, and should then follow the course of appeals in the other cases tried there. It was then proposed that forty-one country districts should be established for the proof and registration of wills, where the property was under £1,500, and in the office of each country district the original wills were to be kept. Therefore, for the safe custody of these documents forty-one distinct buildings of solid construction and fireproof, together with as many separate staffs of officials, would be indispensable—an arrangement that would yield no advantage at all commensurate with the great expense it would occasion. He thought that it would be much better to have a central registry for wills in London where the advices might be kept, leaving copies only in the country. As the measure stood a will for less than £1,500 might be proved in any district in which it was sworn on affidavit that the deceased resided, and that proof was conclusive. The person who obtained probate on such affidavit might at once proceed to London and transfer any stock which stood in the name of the deceased. Now, supposing a person wanted to lodge a caveat against the proof of a will, how would he be able to do it. It was certainly proposed that a caveat might be lodged at the central court in London, and that notice of that should be forwarded to the district in which the deceased was said to reside, and should there prevent the proof of the will. But how would that affect the proof in any of the other forty courts to which a person might go, either wilfully or by mistake, in order to prove the will? He thought that provision ought to be made for notifying immediately by electric telegraph, for instance, to all the country courts a caveat lodged in the central court in London. He next came to the question of compensation to the parties, which he admitted to be one of extreme difficulty. The observations, however, which had been made by the Attorney General that night on that subject were not marked by his usual spirit of fairness. The London proctors might or might not be entitled to compensation, but that question ought to be left open for a fuller discussion in Committee. The hon. and learned Gentleman had described the principle of compensation as altogether vicious and absurd, and said it would be as reasonable for physicians to claim to be indemnified for the losses they sustained by the discovery of new methods of medical treatment as for the proctors to demand indemnification for the results of alterations in the rules and practice of their profession. If that were the hon. and learned Gentleman's present opinion, he had certainly changed his mind within a very short time, because, in the Report of the Commissioners to which his name was attached, it was stated that it would be necessary, in common justice to the proctors, that compensation should be made to them if their business were thrown open. True, the hon. and learned Gentleman said that when he expressed his former opinion he intended to abolish the whole trade of the proctors, whereas now he meant only to modify their rules and practice. But it should be observed that the passage of the Report to which he had just referred did not speak of the abolition of the office of the proctors, but simply of throwing open their business.

THE ATTORNEY GENERAL was understood to say he did not propose to abolish the office of proctors, but to give them that which in their evidence before the Commission, they had said would content them, namely a continuance of the "common-form" business.

MR. CAIRNS said, he was aware the hon. and learned Gentleman never spoke of abolishing the office of the proctors, but the Report which he had subscribed declared that if their business were thrown open they ought to be compensated. The hon. and learned Attorney General said that the proctors had expressed themselves satisfied with the manner in which this Bill would deal with them, but what they really said was that if the "common-form" business were left to them untouched and unaltered they would be content to give up the contentious business. Would this Bill leave the common-form business untouched and unaltered? It proposed to deprive the proctors of all "common-form" business with regard to wills in the country under £1,500 value. And what proportion was that of the whole of the business?—seventy-nine per cent. Had not the proctors, then, a claim to compensation? Their case was very peculiar. It was perfectly idle to compare it with that of barristers, physicians, or other professional men. They were in number about 100. Their profession had grown up with an existing state of things which obliged them to pay an enormous fee for permission to enter it. If that fee was paid merely as the price of a monopoly of trade, he admitted that a great deal might be said against giving them compensation; but, according to the sound view taken by the Commissioners, the fee was not paid for a monopoly of trade, but in order that certain officers might legally take part in the business of a court established for the proof of wills. It was said that the officers who practised in the Ecclesiastical Courts at York, and throughout the country were entitled to compensation. Their claim only complicated the case the more. If they ought to be compensated, so ought the London proctors. But that question had better be adjourned until the Bill was in Committee. It was the sincere desire of himself and of many hon. Gentlemen around him to contribute to the improvement and to facilitate the passing of the Bill; and he, therefore, hoped that the hon. and learned Attorney General would do something on his part to render the future discussions upon it of practical effect.

Mr. AYRTON said, that he fully concurred in the general principle of the Bill, but he wished to call the attention of the Government to the position of the House in regard to it, and the difficulty which would be met with when they came to discuss it in Committee. It would be very inconvenient if they were asked to discuss a Bill which would abolish a considerable number of offices, and substitute others, without being supplied with authentic information as to its financial operation. The Government ought to furnish hon. Members with a tabular statement or estimate of the pecuniary burden which it would impose upon the people of this country, and of the effect which it would produce upon the incomes of the proctors and other persons who claimed compensation. It was quite obvious that the Government already possessed information on those points, for it must have been very easy to ascertain how large a portion of the proctors' income was derived from the probates of wills disposing of estates under £1,500, which were to be transferred to the local courts. It was clear that if they deprived them of eight-tenths of their income in this way, and also took from them the exclusive practice in contentious cases, they must be very severe sufferers. He was the last man to advocate compensation to any person, and he thought that the House committed a very unfortunate mistake when they commenced the practice of compensating men on the ground of their offices having been abolished for the sake of the public good. The principle of compensation was unsound and wholly indefensible, but as it had been admitted and acted upon so long, it would be the greatest injustice now to raise that general question. So long as the House thought that Viscount Canterbury should be compensated for an office which he had never held, but only expected to hold (and which, in fact, this Bill would abolish) and should be treated as if he actually held it and discharged its duties, it would be a great scandal if the House were to deprive a whole class of people of almost the whole of their incomes, by preventing them from discharging their duties, and yet allow them no compensation. It ought to be distinctly understood that the offices to be created by this Bill were to be filled by persons who were already employed under the present system in the transaction of business corresponding with that which would attach to the new offices to be created by the Bill. The observations of the hon. and learned Member for Belfast (Mr. Cairns) as to questions of fact being left to a jury under the supervision of the court, applied only to cases arising in London, because, with regard to all other trials throughout the country, the court would be on precisely the same footing as any of the courts at Westminster, which left questions of fact to be tried before a court of assize. In that respect, therefore, the Bill was in conformity with the existing system. But, with regard to trials in London, he thought the Bill was open to the objection raised by the hon. and learned Member for Belfast, because he could not understand why a man who was fit to preside in a Court of Probate was not fit to superintend an investigation before a jury, and take their verdict, instead of sitting, as the Judge of the proposed court would do, one half of the year doing nothing, while he sent the business to be transacted by Judges who were already fully occupied with their present duties.

Mr. NAPIER said, he also begged to tender his thanks to the Government for the introduction of that which he believed, upon the whole, to be a very valuable measure. There were, no doubt, objections to some of its details, but the subject was one with respect to which persons holding different opinions must be contented to enter into a compromise, in order that a practical result might be obtained. The hon. and learned Gentleman who had just sat down seemed to think that the system of giving compensation was an unjust one; but, upon that point, he was entirely opposed to the view which the hon. and learned Gentleman had taken, although no doubt there might be, in particular instances, an unfair application of the principle. If they interfered with the rights of public servants, they ought not to do so without making a fair compensation to those persons. With respect to the observation of the hon. and learned Member for Belfast (Mr. Cairnes) to the effect that the issue involving disputed facts should be tried before the Judge of the new tribunal, he would only say that he believed those facts would be more satisfactorily dealt with before a jury directed by a common law Judge, who might, from the nature of his duties, be assumed to be more competent to deal with such questions. He was also of opinion that the House of Lords now constituted an excellent court of appellate jurisdiction, and that there could therefore be no objection to its being the court of last resort under the operation of the Bill. That, however, was a point which might be more satisfactorily dealt with in Committee, and the same remark, he thought, applied to the question of compensation, in reference to which his own feeling was, that the proctors were entitled to consideration. He was the more strongly disposed to maintain that view because, from the evidence which had been given before a Committee of which he had been a member, it appeared that no case of fraud had been made out against the proctors in the discharge of their duties, notwithstanding the facilities which were presented for its commission in dealing with small amounts of property. Seeing that the Bill had been brought forward in a friendly spirit, he thought they ought all to unite, both in the House and out of it, to give their best assistance to forward the Bill when it came into Committee, and to come to an understanding on the few points on which they were likely to differ with respect to it.

COLONEL SYKES said, he should vote for the second reading of the Bill, in the hope that due consideration would be given to the claims of those who might suffer by its passing into a law. There was, in his opinion, but a very slight difference between the entire abolition of an office and the taking away of nine-tenths of the profits which it afforded.

MR. ADAMS said, that he trusted the Government would not peril the success of the Bill by being too niggardly in reference to the amount of compensation to be granted to those parties whom its operation would affect. He wished particularly to recommend to the attention of the hon. and learned Gentleman the Attorney General the proctors who practised in the various diocesan courts, whose emoluments the Bill would entirely destroy. He would also suggest, whether it was necessary to confine the limit to £1,500 with regard to wills which might be proved in the country. With regard to many probates the amount was not material, and where there was no difficulty, he thought an option should be given either to take it out in the country or to have recourse to the court in London. The point, however, upon which he was most anxious to dwell, was the transfer of the Admiralty jurisdiction to the new tribunal. That jurisdiction was one of the most anomalous character, and if that portion of the Attorney General's proposition were carried out, it would be placed in a more unsatisfactory position than at present. It related principally to the decision of disputed facts connected with shipping, and might, in his opinion, more properly be confided to the consideration of a jury acting under the direction of a common law Judge, than to the Judge of the Court of Probate, or to the Judge of the Court which had hitherto dealt with such cases. The point was one which he should feel it to be his duty to press upon the notice of the House when the Bill went into Committee.

MR. WALPOLE said, he would not enter upon the general principle involved in the Bill. This had been well alluded to by the hon. and learned Member for West Gloucestershire (Mr. Rolt), and he congratulated the House on the presence of that hon. and learned Gentleman, whose ability and knowledge would be of great assistance in its deliberations. The measure was probably as good an adjustment as was possible of this difficult question, which had so often been ventilated, but had never been brought to a satisfactory conclusion. He had some doubts, however, whether it was wise to establish any tribunal which would not possess complete control and authority over all the matters which were likely to be submitted to it. He could not agree with his right hon. Friend (Mr. Napier) that it was advisable, in order to secure a division of labour, to transmit a portion of the testamentary business from one court to another. By one of the clauses of the new Bill, it was provided that the new Judge of the Probate Court should, if necessary, have a common law Judge to assist him, and why, therefore, should he not be empowered to try any issue which might arise? Again, he was fearful that the County Courts, upon which the Bill conferred a jurisdiction in certain cases, would introduce various customs and give many conflicting decisions, unless there was some tribunal to keep them to a uniform and correct standard. The only way in which this evil could be remedied was, by taking care that you had one, and only one, Court of Appeal to which these questions should be referred. As to the question of compensation, that must be left for consideration in Committee. At present, he would only express his concurrence in the thanks given to the Attorney General for settling a very difficult question in the most practical manner perhaps in which it could be settled.

Motion *agreed to.*

Bill read 2°, and *committed* for *Friday* next.

FRAUDULENT TRUSTEES, &c., BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1.

"If any person being a trustee of any property for the benefit, either wholly or partially, of some other person, shall, with intent to defraud, convert or appropriate to his own use or the use of any person other than the person entitled thereto, or shall, with intent aforesaid, otherwise dispose of or employ such property, or any part thereof, to or for his own benefit, use or purposes, he shall be guilty of a misdemeanour."

Mr. ROLT said, his main objection to this clause as it stood was that it would in all probability tend to prevent persons of character and responsibility from accepting the office of trustee; and the object of the Amendment he had to propose, connected, as it was, with another Amendment upon the same clause, which also stood in his name upon the notice-paper, was to diminish that tendency. The extent to which trusts were now created—the desire universally entertained to regulate the enjoyment of property by the objects of our affection and bounty—and the opportunity now afforded us of realizing that desire with comparative certainty by the appointment of trustees — all this combined should lead them to deprecate any measure which would destroy the very basis of the system—namely, the willingness on the part of persons of character and responsibility to accept offices of this kind. He did not desire that a criminal trustee should be relieved from all liability to punishment, but he anticipated that from its one uniform definition and standard of punishment and crime this Bill would sweep into its net offences wholly different in character and degree, at the same time that from attempting to be comprehensive, it reached the region of the indefinite, and would thus both enable and induce many disappointed beneficiaries to bring charges against trustees who had no fraudulent intention whatever. Now he asked the Committee to draw a distinction between trustees and agents for hire—as bankers or others. A gratuitous trustee had at best a fruitless and thankless duty to perform; and it was necessary, moreover, to consider that that duty was not one of a simple character. The charge accepted by him extended over long periods of time, dealing with persons to him at first unknown, and perhaps unborn, involving always questions of great difficulty. It would not do to say merely that, if the trustee were innocent, he would be acquitted, for the mere risk of being subjected to criminal charges under a penal enactment of great severity would probably be the feather which would turn the scale and determine him not to accept the office. According to the interpretation clause, the word "property" comprehended "every description of real and personal property, money, debts, and legacies, and all deeds and instruments relating to or evidencing the title or right to any property, or giving a right to recover or receive any money or goods." Then, to Clause 1 there had been added, since the Bill was last under consideration, the words, "or the use of any person other than the person entitled thereto;" so that, according to the clause as it now stood, if any person being possessed of any money on any trust appropriated it with a fraudulent intent, not for his own benefit but for the benefit of any person other than the person entitled thereto, he would be guilty of a misdemeanour. Now, he wished to draw the attention of the Committee to the distinction between trust-money rightfully in the hands of trustees, and stock which the trustee had no right to convert or to deal with in any way until he handed it over to the *cestuique trust.* In the former case, if a trustee, having trust money rightfully in his hands, became insolvent while a debtor to his trust, he stood in no worse position in point of real criminality than a man who incurred debts which he knew at the time he contracted them he could not pay, and he ought to be treated as an insolvent or, at most, as a criminal insolvent, and should be dealt with under the bankruptcy or insolvency laws; but under this Bill he would be guilty of a misdemeanour, and would be liable to seven years' penal servitude. In the case of a trustee, however, selling out stock and appropriating it to his own use, hoping to be able to restore it at the proper time, as, for instance, when the infant *cestuique trust* reached the age of twenty-one, the offence approached the crime of larceny;

he had no more right to touch that stock than he had to touch stock standing in the name of another person. The nature of the obligation in the two cases was distinct. In one, the obligation was to pay the debt when it was due, just as there was an obligation upon a man to pay any other debt when it was due; but in the other case the obligation was to render up the specific stock or the specific chattel. Again, let them look at the nature of the evidence as it affected the two cases. The gist of the offence was the intent to defraud, and in the case of a man selling stock and appropriating it to his own use when he ought to hand it over to the child when it attained the age of twenty-one, there would be no difficulty in showing the intent to defraud, because the act of conversion would prove the intent. But in the other case, when the trustee had the money rigtfully in his hands, it would be difficult to prove the intent. Indeed, those words "with intent to defraud" might ultimately save him; but it would involve a nice point, and no man of honour would like to incur the risk of being charged with such an offence as he might be innocently liable to under this Bill. He knew that it would be said that a trustee could protect himself by investing the trust money in a separate account with his banker; but there might be many cases in which persons rightly having money belonging to the trust might be unable to do that—they might not be aware of the necessity of doing so, or they might have no banker, or the money might be paid in such small sums that it would be inconvenient to do so, or debtors to the estate might pay in money to the general account of the trustees with their bankers without their knowledge. He contended that the distinction between these two cases, then, was plainly marked, and that while one approached either forgery or larceny in its character the other came within the category of criminal insolvency. He suggested, therefore, that they ought to limit the description of property, the misappropriation of which was to constitute the offence; for by so doing they would meet the great bulk of cases with which they were anxious to deal, while they would exempt from the operation of the Bill that class of offences which properly belonged to criminal insolvency, and they would by that means not deter men of honour from becoming trustees. After all, in legislating upon this subject, it was material to bear in mind that the whole matter was one of trust and confidence, and that when Parliament had done the best it could for those who created trusts they should know that the greatest safeguard was in the simplicity of the trusts they created, and in the trustworthiness of those whom they selected to act as trustees; for it was idle for persons to create intricate and complicated trusts which no one could understand, or to select dishonest persons to discharge duties the very essence and pith of which were trustworthiness and confidence, and then to complain that the trusts had not been properly executed or that the funds had been misappropriated. He would conclude, therefore, by moving—

"In line 8, to leave out 'property' and insert 'estate or interest in any land of any tenure, or of any share or interest in any Public Stock or Fund, whether of this Kingdom or of Great Britain or of Ireland, or of any Foreign State, or in any Stock or Fund of any body corporate, company, or society, or of any security for money whatsoever, or of any chattel.'"

THE ATTORNEY GENERAL said, that in the general tendency of the observations of his hon. and learned Friend he concurred, but he could not concur with him in the Amendment he had proposed. He did not think that it would be desirable to substitute particular enumeration for a general denomination, which would include every description of property, because if that were done, however carefully the particular enumeration might be drawn up, the skill of a criminal lawyer might possibly be able to discover a loophole through which an offender might creep. In many cases where fraud was committed money might be lawfully in the hands of the trustees, and the fraud be as great practically as if the trustee had converted securities into money and then appropriated the money to his own use. Suppose, for instance, that a man had collected £500, and having 500 sovereigns, leaves a man his executor, and the executor takes the 500 sovereigns, and applies them to his own use, and robs the widow and orphan of the testator, was he not something more than an insolvent trustee, and was he to be exempted from the operation of this Bill because he had not got the money by the sale of stock? Again, a man died, and directed his trustee to sell his property, to get in his debts, to invest the proceeds and divide them among his children, and the trustee having turned the property into money, and then converted it to his own use, was he to be exempted from the operation of the Bill? How impossible was it to say that if a trustee took money only he incurred a debt, and that a trustee who took stock, or any other security, and turned it into money, and used it for his own purposes, committed a crime. If you left out the word "money," the most painful instances of fraudulent robbery would escape punishment, for he hoped that the Bill would reach numerous cases in which small sums passed into the hands of fraudulent trustees, and were used by them. He objected, therefore, to a particular enumeration of the nature and kinds of property, for his object was to render every fraudulent trustee liable under the Bill, and for that purpose he (the Attorney General) would retain the general word "property." He desired not to interfere with the relations of trustee and *cestuique trust*, but here there was nothing to frighten the most nervous man; for no one could by possibility come within the scope of the Bill unless he wilfully appropriated to his own use the property of a person which he was bound to protect. He hoped the Committee would not agree to this Amendment, because it would deprive the Bill of its greatest security.

MR. HEADLAM said, he thought the whole clause would be productive of more harm than good. There might be extreme cases of fraud which would be met by the Bill, but when it was considered how small the number of these cases would be, and how large would be the number of persons deterred from accepting the office of trustee, he had come to the conclusion that the Bill was calculated to be more prejudicial than advantageous in operation. Trustees would be subject to be charged with a crime subjecting them to seven years of penal servitude, while the difficulty of proving their innocence would be extremely great. That might certainly happen in the case of any complicated trust. He knew the pressure which had been got up and the exggerated language which the press had made use of on the subject, and, therefore, he was not surprised at the stringent character of the Bill. He desired as much as any one to see extreme cases of fraud on the part of trustees adequately punished, but it was not his opinion that the grossest cases would ever be brought into court, for the persons committing them would probably be members of the family of the person beneficially interested, and it would naturally be the wish of the family, after the lapse of some time, that the matter should not be exposed. The practical working of the Bill would have this effect, that a great number of persons would be threatened with indictment, but very few would be convicted. It must not be supposed that there was no punishment under the existing law for dishonest trustees, as in some cases they fell within the jurisdiction of the Insolvent Debtors Court and received punishment there. Indeed, the complaint had hitherto been that the rules of Chancery were too severe in their application to trustees, but the effect of this Bill would be that the proof would be cast upon an honest trustee to show that he was not worthy of seven years' penal servitude.

MR. SERJEANT KINGLAKE said, he was as anxious as any one that the law against the fraudulent conversion of trust property should be made most stringent; but in legislating upon the subject it was necessary to take care that they did not include within the language of the clause the honest as well as the dishonest trustee. He did not think that the words "with intent to defraud" were a sufficient guard and restriction; for who was to decide upon "the intent" but a jury?—a tribunal which, he should say, was not by any means the best fitted to refer such a question to. Cases had been put on the one side, but let him now put a case. Suppose a man died leaving two or three hundred pounds, and appointing his brother as trustee for his widow and family. The brother might put the money into his own business, honestly intending to allow the widow 8 or 10 per cent—more, in fact, than he could invest the money for in any other way. But suppose the man's business failed, and the money was lost; suppose a case like that going to a jury, and an appeal being made to their feelings on the one side or on the other, was it possible to imagine anything more unsatisfactory? It was agreed that it would be unsafe to allow prosecutions to be instituted at the mere motion of any disappointed party; and so Clause 11 provided that the consent of one of the Judges must be obtained previous to the commencement of proceedings. But that clause afforded no adequate protection; for how could a Judge come to a correct decision upon mere *ex parte* affidavits? Besides, it was wrong to put the Judges in so invidious a position as to call on them to decide in London that there was a *primâ facie* case of fraud, when it might happen that the very same Judge that authorized the institution of proceedings might have to go down to try the charge. He (the learned Serjeant) had reason to know that this was an objection which was felt by many of the Judges themselves. Under these circumstances he begged to call the attention of the Goverment to an Amendment, suggested by the hon. and learned Member for Belfast (Mr. Cairns) which would entirely remove this difficulty. Let the proceedings be instituted only by the direction of a Judge either in Equity or in Bankruptcy, under whose judicial notice the case might have come.

MR. BARROW said, that from long experience of trustees in the lower ranks of society, he was quite satisfied that this Act would operate most injuriously upon the interests of the widows and orphans on whose behalf the Attorney General had appealed to the House. By discouraging the acceptance of trusts it would do more to injure the lower classes than any legislation which had taken place since he had been in that House. The hon. and learned Attorney General had said that if a gentleman mixed trust funds with his own money at his banker's and afterwards overdrew his account, but was able to pay the money when it was wanted, he would not be liable to a prosecution under this Act; but surely in such a case the offence had been completed, and the subsequent repayment of the money would not prevent its being an offence. He would also observe that the Bill not only involved the responsibility of the trustee himself, who might be able to avoid all irregularity, but it would actually involve his executor. The mere threat of a prosecution would deter many an honest man from consenting to become a trustee; for, he agreed with the learned Serjeant who had just spoken, that a person would run but a poor chance of a favourable construction being put upon his motives, if he happened to be opposed by so eloquent an advocate of the widow and orphan as the hon. and learned Attorney General.

MR. NAPIER said, that the objection which had been raised to the Bill ought to have been taken on the Second Reading, because they attacked its entire principle. The essence of the crime was the intent to defraud, and that was only such a question as was ordinarily submitted to a jury, as, for instance, in the case of a person tried for intent to murder, which was itself a capital offence. In such cases the whole question was as to the intent. The question before the Committee was whether the word property should be used with its wide and extended sense, or whether by omitting it the operation of the clause was to be limited in the manner proposed by his hon. and learned Friend. He believed that in Scotland it was made a special reason for prosecuting that a person had been entrusted with property and had fraudulently dealt with it. The essence of the criminal law was the intent, and this clause was intended to bring within the operation of the criminal law a class of offences which had hitherto escaped, and for that reason he should oppose the Amendment. There were quite sufficient safeguards contained in the clause, and he hoped the Attorney General would not consent to have it frittered away.

MR. AYRTON observed, that he thought that the difficulty arose from the expression "intent to defraud." On the one hand, it was supposed that every proceeding would be considered a fraud under the Act which was a fraud in a Court of Equity. On the other hand, it was thought that the word fraud merely meant what twelve jurymen would consider to be a fraud. He begged to suggest that the Attorney General should insert words to show that the expression was confined to fraud as determinable by a jury.

SIR GEORGE GREY suggested that the Committee were not now discussing the clause.

MR. WIGRAM said, that if the clause were meant to apply to persons who were guilty of the offence of appropriating to their own use property which was not their own—in other words, of embezzlement—he did not care how large its words were, but as that was not quite clear he hoped that the Attorney General would state whether the clause was meant to apply to that class of offences only, or was to extend to cases where persons appropriated property to other persons' use, although they themselves derived no advantage from it. If the latter effect was meant to be given to it, he doubted whether the Bill would carry public opinion with it. At all events the point should be made clear, for the Committee must remember they were introducing a new class of offences, and, therefore, the country ought to be properly awakened to what those new offences were.

The ATTORNEY GENERAL said, he thought the question of his hon. and learned Friend would be best answered by putting this case. Suppose a person, being a trustee for the sum of £5,000, were on his son's marriage to transfer to him that stock; that would not be an appropriation to his own use, but to the use of some other person, still it would be a fraudulent appropriation, and one which would go unpunished unless the words which he had proposed were inserted in the clause.

Mr. WIGRAM thought that the case put by the hon. and learned Gentleman amounted, in fact, to an appropriation by a trustee to his own use.

Mr. CAIRNS said, that if ever such a singular case should arise, it would be met by the words to be found later on in the clause,—"otherwise dispose of or destroy such property."

Mr. WARREN was of opinion that the majority of the objections urged against the clause were those arising from the timidity of Chancery lawyers in approaching the pale of criminal liability. The essence of the clause, as it seemed to him, lay in the words, "with intent to defraud." That was enough to constitute a misdemeanour. He thought the hon. and learned Attorney General, after much consideration, had hit a class of cases to which the common sense of the public had long since assigned a criminal liability, and he thought he would do well to retain the words.

Mr. ROLT said, he considered that if the law applicable to criminal insolvency was not sufficiently stringent it ought to be rendered more severe; but he did not think that extreme cases should be taken out of the category of offences to which they properly belonged. He was desirous that a sufficiently severe punishment should be imposed to prevent the commission of crime, but he was unwilling to commingle offences of different characters and classes. They should not, in short, confound criminal insolvency and larceny. He would, therefore, press his Amendment.

Amendment *negatived.*

Mr. BLAKE said, he would express his satisfaction that the Bill would apply to Ireland, where there was great necessity for legislation in consequence of the number of defaulting and fraudulent trustees, and in order to prevent the escape from punishment of fraudulent charitable trustees, he would move that after the word, "person," in line 9, the words, "or for any public or charitable purpose" be inserted.

The ATTORNEY GENERAL said, he was ready to assent to the Amendment, unless any of his hon. and learned Friends saw reason to doubt the propriety of inserting the proposed words in the clause. He would also endeavour to carry out the object of the hon. and learned Gentleman opposite (Mr. Wigram) by proposing to insert, after the word "appropriate," the words "the same or any part thereof," and to omit the words "or the use of any person other than the person entitled thereto." The clause, with the Amendments, would then stand as follows:—

"If any person being a trustee of any property for the benefit, either wholly or partially, of some other person, or for any public or charitable purpose, shall, with intent to defraud, convert or appropriate the same or any part thereof to or for his own use or purposes, or shall, with the intent aforesaid, otherwise dispose of or destroy such property, or any part thereof, he shall be guilty of a misdemeanour."

On the Motion that the clause, as amended, stand part of the Bill,

Mr. WALPOLE said, he quite agreed with the views generally taken in reference to this clause, but he wished to suggest that the clause, as it stood, did not sufficiently distinguish between an actual and an implied trustee. The consequence might be that a man, who was not really aware that he had all the duties of a trustee cast upon him, might be liable to be indicted under this clause. He suggested that the word "trustee" ought to be more clearly limited and defined.

The ATTORNEY GENERAL said, he would give the suggestion his consideration.

Mr. NEATE objected to the clause on the ground that it brought the criminal law into operation in reference to transactions which had been hitherto exempt from the interference of that branch of the law. That, too, was an application of the criminal law which did not meet with the unanimous concurrence of the members of the legal profession. He also understood that the Judges were opposed to it, while it was proposed by an hon. and learned Gentleman who had been chiefly concerned with civil law. The great objection to the clause was, that it did not recognise the difference between trusteeships of a public character and those of a private character. He approved of its application to the former. In the case of a bank or a railway company, confidence was placed in the directors, not from any knowledge of the private character of individuals, as was the case in private trusteeships; therefore in the former case it was necessary that the law should interpose to protect the public. Nor did the clause sufficiently recognise the distinction between direct trusts of property, and indirect and resulting trusts. He did not deny the necessity of legislation, but thought it would be sufficient to give Equity Judges the same jurisdiction over defaulting trustees as the insolvent Commissioners had over insolvent debtors. As regarded fraudulent transfers of stock, he thought it would be wise to compel the Bank of England to take notice of trusteeships, by entering such stock in a separate book, and allowing no sale without the concurrence of all the trustees. He would suggest to the Attorney General that it would be better to confine the Bill to public trusteeships, and reserve for future consideration that which was really a difficult subject—how far private trustees should be subjected to what was entirely a new state of the law.

Clause *agreed to.*

Clause 2.

MR. HENLEY said, with reference to frauds on the part of bankers he wished to ask, supposing a man put £1,000 into a banker's hands in the ordinary way, expecting to get it back again when he wanted it, and the banker, as was usual in such cases, applied the money in any way he liked while it was in his possession, and supposing the bank went on for ten years and then the bank broke, what constituted in that case the act of fraud?

THE ATTORNEY GENERAL said, if a person left money in a banker's hands in the ordinary way, that money was in law a loan from the customer to the banker—it was lent to the banker expressly to be used in the ordinary way by him, and he was bound to repay it to the customer in the way he might direct; for if he lent money to a man without stating the express manner in which he should employ that money, there would be no fraud in the appropriation of the money, nor would there be a fraud though the borrower, when the customer asked for his money, should be unable to meet the debt.

MR. HENLEY said, he must repeat his question. He wished to know what were the circumstances under which a banker might apply money to his own use? and what was it that constituted a fraud when he did so?

MR. WARREN said, the words of the clause disposed of the difficulty. When any person intrusted with money converted it to his own use "with intent to defraud" then he came under the provisions of the Bill.

THE ATTORNEY GENERAL said, if he took a bag of money tied at the mouth to a banker, and said to him, "There, keep that for me as it is," and the banker cut open the bag and took out the money, he would be applying it to his own use, and come within the meaning of the clause. The difference lay between money lent in the ordinary way and money deposited. If he packed twelve bills of exchange in a parcel and deposited them with a banker to be kept by him, he would be guilty of a misdemeanour if he appropriated those bills. The principle was well understood in the City, where a parcel of bills was frequently paid into a bank as *depositum*, as it was called; but a single bill paid in without any condition was subjected to a different treatment, and might be negotiated by the banker.

MR. HENLEY said, that was an offence now; but this clause seemed to go a great deal further. If it was meant to apply to a special deposit made with a banker, that was one thing; but if it applied to the banker who, being possessed of money appropriated it to his own use, then it would apply to all money paid over the counter.

THE ATTORNEY GENERAL said, the words of the clause as it stood would not interfere with any of the ordinary transactions of trade; neither would they interfere with anything that might be wrongfully done, if it was not done with intent to defraud. It would apply to transactions that were wrongfully done by the banker, and to which the law would attach the character of being done with intent to defraud.

MR. AYRTON said, he would refer to a clause in the Bankers Act (7th and 8th of *Geo.* IV.) to show that the offence to which the clause related was already an offence. He thought the terms of that clause more clear and explicit than the terms of the clause in this Bill, and would suggest that they should either repeal the existing law, or make some reference to it.

He feared that the language of the clause as it stood was so comprehensive that if disputes arose in the course of mercantile transactions persons would be liable to be taken to a police court, and have all their affairs exposed there.

Mr. NAPIER remarked that the case put by his right hon. Friend the Member for Oxfordshire came within the law of debtor and creditor, and the money so deposited ceased to be the property of the depositor. The transaction contemplated by the clause was one between bailor and bailee.

The ATTORNEY GENERAL said, the clauses in the Bankers Act were limited entirely to cases where directions were given in writing and where the property was specially entrusted to a banker. In this clause the language had been most carefully selected to meet the case of a banker "who becomes possessed of the property of another person," and was much more comprehensive than the language of the clauses in the Act of George IV., in order to include a large class of offences which, under the interpretation put upon that Act, escaped punishment. In prosecutions against bankers or agents under the present law it was necessary to prove the character of banker or agent, the special entrustment of money or security for money, the direction in writing for the application of the same, and the conversion of the same in violation of good faith and contrary to the purpose specified. In point of fact, theft might be committed in a great variety of cases without falling within the existing enactment.

Mr. HENLEY said, he entertained doubts whether the clause carried out what the Attorney General said was intended. Would it not be better to state distinctly that it should be no longer necessary to prove that the directions were in writing? How could it be shown that this clause would not include every case of payment of money into the hands of a banker across the counter? The words seemed to him to be too general.

Mr. NAPIER explained that the clause could not include ordinary payments of money over the counter, because in such cases the property changed owners. The moment the money was handed over it became the property of the banker, and he could not be said to be "possessed of the property of another person."

Mr. MALINS said, that the distinction between the two cases was obvious enough. A man who added £1,000 to his drawing account did so for the express purpose that the money might become the property of the banker and be appropriated to his use, the sole condition being that the whole or any portion of it should be repaid upon demand. It was different, however, with other kinds of property—Exchequer bills, for example—deposited for security merely, and the banker who should sell such property, and appropriate the proceeds to his own use, would be guilty of a misdemeanour.

Mr. CAIRNS said, that the explanation which had been given of the clause had made it much worse. The Attorney General had stated that money lodged with a banker became his property, and a debt due to the customer. Now, the interpretation clause said, that the word "property" should include debt, and therefore the banker who appropriated deposits to his own use would render himself liable to the penalty imposed by the present Bill. The consequence would be that, if a banker having a number of customers should fail, he would be subject to an indictment by every one of them. The question was too serious to be left where it was, and he would suggest that the wording of the clause should be altered.

Mr. GURNEY asked whether, supposing a banker fraudulently negotiated a Bill lodged with him for collection before it arrived at maturity, and appropriated the proceeds to his own use, he would render himself liable to the penalty imposed by the Bill?

Mr. GRIFFITH said, that in order to meet the difficulty, he would suggest the insertion, after the word "property," of the qualifying phrase, "not being money on current account."

Mr. J. D. FITZGERALD said, that in reply to the remarks of the hon. and learned Member for Belfast, he would observe, that if the money deposited with a banker became a debt due to his customer he could not understand how the banker could appropriate a debt he owed. A banker who, with intent to defraud the depositor, negotiated a bill lodged with him under the circumstances stated by the hon. Member who spoke last but one, would undoubtedly fall within the second section of the Bill. The Act 7 & 8 *Geo.* IV. had been constantly evaded in consequence of what the hon. Member for the Tower Hamlets (Mr. Ayrton) had called its careful and precise language. The merit of the present Bill was that it was expressed in general language, sufficiently wide to include all cases, but guarding the public against oppression by the words "with a fraudulent intent."

Mr. WALPOLE said, he would suppose that a banker received from his customer £1,000 across the counter, knowing that he was to break at the end of that day. He would also suppose that he appropriated that £1,000 to his own use and stopped payment on the following day. The question he wished to ask was, whether the reception of the money and the appropriation of it to his own use would or would not be an offence within the meaning of the Bill?

The ATTORNEY GENERAL replied, that it would not. The offence of the banker in the case supposed would consist in the concealment of his insolvency, but that concealment was not described as a crime within the meaning of the Bill.

Mr. SEYMOUR FITZGERALD thought, the clause being couched in such general terms was the cause of difference of opinion as to its operation. He agreed with the right hon. Member for Oxfordshire (Mr. Henley) that the clause exposed bankers to extreme danger. If money was paid across the counter to a banker, he received it as such, and was liable to the operation of the clause; but if money was paid with special directions, then the clause would constitute an offence which the framers of the Bankers Act did not contemplate, as that act required the directions to be in writing. If money was paid over to a banker in a bag, it was not received as money, but was a chattel of which the banker was baillee.

Clause, as amended, *agreed to.*

The House resumed.

Committee report progress; to sit again on *Thursday* next.

EVIDENCE UPON OATH (HOUSE OF COMMONS) BILL.

BILL WITHDRAWN.

Order for Second Reading read.

Mr. WARREN said, that the hour (one o'clock) was too late to warrant him in moving the second reading of this Bill, and, as he should be compelled to leave town next week, he must be content to give up the hope of seeing his Bill become law this Session. He should, however, reintroduce the Bill at the commencement of next Session.

Order *discharged;* Bill *withdrawn.*

ELECTION PETITIONS BILL.

SECOND READING DEFERRED.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

The ATTORNEY GENERAL intimated that he would not agree to the second reading of the Bill at that late hour.

Mr. ADDERLEY said, he was astonished to hear that the Government intended to oppose a Bill which was brought in to check the practice of wholesale fraudulent election petitions, which, under cover of the privileges of the House, contained a number of roving, loose accusations made by low attorneys and agents, who knew that the allegations did not contain one word of truth, and that they were in fact baseless slanders, brought forward for the purpose of electioneering jobbing. There was undoubtedly great difficulty in coping with the evil, but the remedy he proposed was not his own merely. The provisions of the present Bill were drawn by Mr. Rickards some years ago, under the eye and with the approval of the late Speaker. Lord Eversley, the highest possible authority, had recently revised the Bill, and had suggested some alterations which had been adopted. And yet, with such a grievance and scandal, the Attorney General was prepared to object to the second reading of the Bill. He saw who was at the bottom of this opposition; it was Mr. Coppock himself. He was the only party who could feel aggrieved by it, and that was the principle upon which the Attorney General opposed it. Otherwise he (Mr. Adderley) could not conceive the ground of the Attorney General's opposition to it. The Bill did not obstruct the right of election petitions, but would correct abuses which tended to destroy it; for wholesale petitions for corrupt practices gave practical impunity to such practices, and parties accused of them recklessly retorted them. And he thought the character of the House would be sustained by the attempt to remedy the abuse which now existed.

Sir GEORGE GREY: It is impossible to discuss the Bill at this hour of the night.

The hon. Member has not explained the principle of his Bill.

Mr. ADDERLEY: The Bill was framed to give some assurance of the *bonâ fide* character of election petitions, and to afford a check both upon their presentation and withdrawal. If the Government would take the matter up he would readily drop it, but he hoped that it would not be left where it stood at present, for the present Session afforded the best chance for the passing of such a measure, as hon. Members were now smarting under the evils of the existing system.

The ATTORNEY GENERAL thought the best thing he could do for the hon. Gentleman was to move the adjournment of the debate, in order to restore him to some degree of serenity of temper. He heartily concurred in the object contemplated by the hon. Gentleman, but did not think the provisions he proposed would tend to promote it. Indeed, the silly machinery by which it was sought to carry out that object would only make the House the laughing-stock of the world. He begged to move the adjournment of the debate, with a view to defer the discussion to a more favourable opportunity.

Motion made, and Question proposed, "That the Debate be now adjourned."

Mr. SPOONER said, that as the Government assented to the principle of the Bill, they ought to introduce a measure of their own on this subject. If the hon. and learned Attorney General had himself that command of temper which he recommended to others, he would hardly have spoken in the contemptuous terms he did of the provisions of this Bill, more especially as he knew the high quarter from which they emanated.

Sir GEORGE GREY said, it might be possible to amend the Bill so as to adapt it to its object, but the hour was too late for giving it the consideration which its grave nature demanded; and he thought that it would be very injudicious for the House without an opportunity for such consideration to adopt so novel and important a measure.

Mr. NAPIER maintained that some such measure as this was imperatively necessary.

Motion, by leave, *withdrawn.*

Original Question, by leave, *withdrawn.*

Second Reading *deferred* till *Monday* next.

House adjourned at a quarter after One o'clock till *Monday* next.

Sir George Grey

HOUSE OF LORDS,

Monday, June 29, 1857.

Minutes.] *Took the Oaths.*—The Earl of Huntingdon.

Public Bills.—1ª Hanley Borough Incorporation; Consolidated Fund (£8,000,000).
2ª Town Byelaws Revision.

THE MUTINY IN INDIA—QUESTION.

The Earl of ELLENBOROUGH: My Lords, the disastrous news which has just been received from India, and which far surpasses my forebodings, serious as these forebodings were, induces me to put another question to the noble Earl (Earl Granville) with respect to the measures which the Government may intend to take for the purpose of averting the great calamity which threatens us in India. It is now twenty days since I put to the noble Earl this question—whether instructions had been sent, or would forthwith be sent to India, directing the different Governments to make known at every station of the army in that country that the Government would for the future, as in the past, protect all its subjects in the undisturbed exercise of their religion. In reply to that question, the noble Earl intimated an opinion that the Government of India had acted judiciously in issuing no Proclamation of that character. Now, in the face of that opinion, I find by the news received this morning that not only the Lieutenant Governor of Agra but the Governor General in Council of India has issued a Proclamation in the strongest terms of the tenor I have described. But, my Lords, upon what day was that Proclamation issued? On the 16th of May, when the mutiny at Meerut was already known, when the occurrences and mutiny at Delhi were known, and when the Proclamation of the King of Delhi was known. Now, the issuing of that Proclamation at that moment might possibly tend to prevent the spread of the mutiny, but it could have no possible effect in preventing the outbreak. I desired to prevent the breaking out of the mutiny, and not only to keep it from spreading. My Lords, the Government had ample notice in India of the danger that was impending. As long ago as the 22nd of January, an incendiary fire broke out in cantonments at a short distance from Calcutta—a thing almost entirely unknown and unheard of. From that period, for more than three months, these indications of the dissatisfaction of the troops continued to appear at all the principal stations of the army. The cause was perfectly well known, and arose from an apprehension on the part of the troops that their religion was to be interfered with. On the 25th of February the 19th regiment mutinied. It was not till the 31st of March that this regiment was disbanded. On the 6th of March the Government sent to Rangoon for the Queen's 84th regiment, and so deluded was it as to the extent of the ill-feeling and the mutinous disposition of the Native army, and the effect of the disbandment of the 19th regiment, that in a few days after that disbandment it was considered advisable and was actually under discussion whether that regiment should not be sent back to Rangoon. They have now sent for three Queen's regiments to protect the capital of British India. These indications of a bad spirit among the troops occurred at Allahabad, Agra, Meerut, Umballah, and all the great stations. No one can doubt that there was combination, and that one general feeling animated the whole. Now, it may be a matter deeply to be regretted, but it is undoubted, that events of the highest importance, especially in India, greatly depend upon the personal character of an individual. On the 3rd of May, Sir Henry Lawrence, a distinguished and decided officer, having reason to expect that there would be an outbreak on the part of the 7th Native Oude Infantry, moved at the fall of night two Native regiments, Her Majesty's 32nd regiment, and a battery of artillery upon them. He came upon them unawares, disarmed the regiment, and at once made them prisoners. Sir Henry Lawrence took the initiative. But what was the case at Meerut? At Meerut the mutineers took the initiative. They rose at six o'clock in the evening, and, according to the accounts we have received, it was not until nightfall that Her Majesty's carabineers were able to move. If General Gillespie at Arcot had not moved his dragoons to Vellore with more promptitude, the mutiny at Vellore might have spread through the whole of the Madras territory, and produced effects as dangerous as those which we have now to deplore. And who was the officer in command in Meerut? How did it happen that with a Queen's regiment of infantry, another of cavalry, and an overwhelming force of horse and foot artillery, the mutineers yet escaped without injury to Delhi, making a march of thirty or forty miles? His name, it is said, is Hewitt. I do not find that he has at any time served with troops at all. He is an unknown man. There may be some difficulties, and there no doubt are, in making proper appointments in the army in consequence of the system of seniority which prevails. But that system has been of late modified, and the Government have now authority to appoint the men whom they think most fitted for a particular post. They ought, I contend, to have acted upon that authority. No Government is justified in placing in a most important command a man of whom the troops know nothing, and with whose qualifications they themselves are unacquainted. We see what has been the consequence of taking a contrary course. Give me now leave to ask where was the Commander in Chief upon this occasion? Why was not he in the midst of his troops? He must have been aware of all the difficulties which were growing up. He must have known the dangers by which he was beset. He did know that those dangers existed, for upon the 9th of April he assembled the troops at Umballah, and addressed them in the most sensible terms, endeavouring to undeceive them and to bring about among them a right feeling. He, however, went to the Hills, leaving the dangers to which I refer behind him in the plain. Such is not the conduct which a man occupying the position of Commander in Chief ought to have pursued. Let us for a moment look to the position in which General Anson now stands. From all I have learnt I believe the measures which have been taken by the Government of India from the moment they heard of the occupation of Delhi have been prompt and judicious. I have no fault to find with their conduct since that period; but I do find fault with them for having been blind to that which ought to have been obvious to all, and for having taken no precautions before this dreadful calamity took place. Well, what is the position of General Anson? He had with him two European regiments of cavalry, two European regiments of infantry, an ample supply of artillery: he had, beside, two regiments of Ghoorkas, which he anticipates would remain faithful; but I am afraid he cannot absolutely rely upon any of the other native troops by whom he was accompanied. If with that force, however, independent of the three other native corps, General Anson were to meet the mutineers in the field, he may beat them, though they should be of double his numbers, without much difficulty. But, there are two enemies besides the mutineers with whom he will have to contend, of whom the people of this country make no account, but which are foes infinitely more dangerous than the mutineers—I allude to the climate of India at the season at which these occurrences took place, and to the total want of carriage. When the regiments go into cantonments the carriage is dismissed, and it would therefore be almost impossible for General Anson to move the European troops. The only resource open to him consists in impressing men from the hills. He may by that means bring down 3,000 or 4,000 persons to carry burdens, but to obtain the means of conveyance for the troops for a distance of eighty or a hundred miles, I believe he would find to be impossible. Just consider for a moment what is the nature of the season. It is the most severe of the whole year. It is just the concluding period of the hot weather, during which hot winds prevail: it is a time during which no European could venture into the sun, and when no officer would think of forcing a soldier to go into the open air if he could possibly avoid doing so. The late Sir Charles Napier was compelled by imperative circumstances to go into the field at a season such as that I have described. The consequence was that forty-five Europeans were struck down by the heat in one day, Sir Charles Napier himself being one of them, and the only one who survived. Such is the danger with which we have to contend. But I will assume that General Anson has been enabled to bring his troops up to Delhi. If he has done that, he ought I think by this time to be in possession of that city, and in possession of it, not owing to any vigorous attack of artillery, but by the most simple of all means—namely, taking possession of the canal by which Delhi is supplied with water, and cutting off the water, so as to deprive the inhabitants of all supply. Towards the conclusion of the dry season there is but a very small quantity of water in that canal, and the people of Delhi, amounting to the number of 60,000 or 70,000 persons, are, as a consequence, invariably reduced to great difficulties, and are compelled to resort to the Jumna, to procure the water which they require. To obviate that inconvenience I established a large tank in front of the Palace of Delhi, containing a sufficient quantity of water to supply the inhabitants of the town for a period of three weeks. I regret, however, to be obliged to say that the Government in India, actuated by that spirit which has characterized them since I left it—a spirit which has led them to desire to obliterate all trace of my having ever existed in that country—have allowed the tank to which I allude to go to ruin, and I believe that fortunately at this moment it will not furnish the inhabitants with a supply of water for any time; so that if the canal were cut off as I have suggested, and their access to the Jumna prevented, they would be precluded from obtaining water altogether. That is my only hope in the present emergency. Observe what will happen. I left police battalions in India. They were formed for the purpose of enabling the Government, in case of necessity, to move all the troops from any cantonment. Lord Hardinge was, owing to the establishment of that military police, enabled to move three battalions of infantry during the war in the Punjab, a step which, under other circumstances, he would not have been in a position to take. Now, General Anson has no such police battalions at his disposal. They have, I understand, been abolished, and he must leave a sufficient force at the different cantonments at Meerut and Umballah, or they will be burnt down behind him. It is no easy matter to protect a line of cantonments extending over seven miles, but if that is not done the consequence, as I have said, will be that those places will be burnt down and the Europeans will have no place to afford them shelter. That is what I apprehend, and there can be no doubt that General Anson's position would then be one of the most serious character. But it is not only in Meerut and Delhi, but in the Punjab, Ferozepore, and in almost every part of Bengal that this disposition to mutiny has been evinced. I regret to say that I fear we cannot at the present moment with any degree of security rely on the fidelity of any of the regular regiments of the Bengal army. The irregular troops will, I trust, remain faithful, and I hope we also may depend on the artillery, although it is said that some have been seduced or threatened into a junction with the mutineers at Delhi. I, nevertheless, trust that we may rely on the fidelity of the artillery. I believe we may place implicit confidence in that of the Ghoorka regiments, as well as in the good faith of the Native Princes whose territories approach Delhi—in fact, we possess in the neighbourhood of that city but a very small extent of territory—it chiefly belongs to the Native Princes. Our position, then, is such as I have described. The Government have drawn all available troops to Bengal, as it seems to me, very prudently and very properly, but in doing so they have left both Madras and Bombay almost defenceless. We know not the danger to which such a state of things may give rise. In short, my Lords, we are really—and I trust Her Majesty's Ministers are alive to the fullest extent of the danger—we are really in a position in which it becomes necessary for us to use every effort which this country can make to maintain—perhaps it may be to recover—that great empire which we have acquired in the East. Well, let me ask how do we stand? We have at this moment upon our hands three wars in Asia. Those wars we are reduced to the necessity of prosecuting with a reduced peace establishment. We have sent to China that naval force which should, in my opinion, be left upon the shores of England, to give security to this country even under the auspices of the most profound peace. The whole of that naval force, however, has been despatched to the waters of China; and for what?—to carry on a contest between Sir John Bowring and Commissioner Yeh. Six battalions of troops have been sent out there for the same purpose, and I cannot help thinking that those six battalions will be found totally inadequate to effect the purpose for which they have been sent, and quite insufficient to bring under our control the numerous population of Canton. The consequence will be that we shall find ourselves under the necessity of sending out further reinforcements, which should have consisted, in my humble judgment, of Native troops. But are we, with India in danger, to fight the battle of the Government? Are we, my Lords, determined, happen what may, to persevere in that fatal policy which Her Majesty's Ministers have adopted? Are we to strain every nerve to enable Sir John Bowring to march in triumph into the residence of Commissioner Yeh? I hope not. I maintain that, if the war with China were as sound in principle as I believe it to be the contrary, common sense and the dictates of the simplest policy ought to have induced the Government to remain for a time on the defensive, and not at once to involve the country in two wars contrary to all the principles by which the proceedings of a military State ought to be directed. I might have spoken of three wars, my Lords; but my noble Friend the Secretary for Foreign Affairs will probably tell me that we have brought one of them to a close. He will say that the war with Persia has been concluded. The noble Earl, it is true, has brought about a treaty with that country—he has not as yet got a peace. The treaty is one which I cannot help regarding as unsatisfactory. No, my Lords, I cannot deem it satisfactory that we should have entered into such terms with the King of Persia as that treaty contains after the insults which he heaped upon the British Minister at his court. We have, however, entered into that treaty; but even under better auspices than the present we should experience great difficulty in carrying it into execution. Persia may withdraw her troops from Herat, but that will be of little avail unless some other government be established there. If Persia will not yield it up upon those terms the evident objects of the treaty will be almost entirely defeated, and I have not yet heard that it has been decided on what Government shall succeed the Persians at Herat. The noble Earl must be aware that the British force now remaining in Persia is totally unable to hold Bushire and Mohammerah if there should be the slightest chance of any attempt at opposition on the part of Persia, and can any one who is acquainted with the national character of Native States for a moment doubt that this great calamity in India may have a very material influence in changing the policy of the Court of Persia? That is the present state of affairs. Our position in India at the present moment is that of being compelled, not only by a sense of interest, but by our sense of honour as a nation as well as individuals, to protect our empire in that country. It is as much the duty of the Government to protect our empire in India as it would be to protect the county of Kent, if attacked; and I trust that there never will exist in this country a feeling that, under any possible circumstances, that noble empire shall be abandoned. We must, therefore, send to India a sufficiency of force; but, while doing so, we must consider in what position we leave ourselves here. I fear that, under present circumstances, the noble Earl the Secretary for Foreign Affairs would feel his hand paralyzed if the material force of this country should be despatched to the East. How, under such circumstances, would he be able to speak with ordinary firmness or dignity; or could he avoid temporizing, if he felt that England was powerless to defend herself in case any foreign Power should choose to take the opportunity of attacking her? Even before this calamity occurred, I entertained a distinct opinion that, by our reduced establishments, we were reducing this country to a state in which, if we were not paralyzed, our power was materially weakened. We have now, however, a new war upon our hands, which will require an expenditure approaching that which was necessary for the contest in the Crimea, and which will require, in addition to the force which it is now proposed to send to India, an additional force of at least ten regiments of infantry, three regiments of cavalry, with their horses, for it will not be possible to horse them in India—and at least six batteries of artillery, with their horses, because at present, in some provinces, the artillery force is very small, and no troops can possibly move without guns. When we look to the force which it is absolutely essential to send to India, how can we fail to contemplate the material increase that is necessary to the military force of this country. I would recommend Her Majesty's Government to look the danger fairly in the face—not to take any exaggerated view of the case—but, at the same time, not to attempt to deceive themselves; and I think that the course which they ought to adopt is, *to place this country under arms.* While we are fighting battles of such interest in the East, we must be secure at home; and I know of no mode of suddenly obtaining that security but to adopt the same means as those which were adopted during the Crimean war—namely, to embody the militia. That step should be taken at the earliest period possible, as well as that of calling together the yeomanry, which has never before, since 1814, been allowed to go for a year without exercise: and we should adopt any other measures which the Government may consider necessary for placing at their disposal the whole military force of the empire. I have read in history that Hyder Ali, the great rival of the British power in the Deccan, used to say, with regard to the British power, that he was not afraid of what he did see, but of what he did not see; and it is for us now to show to the Natives of India that which they have not yet seen. We must come forward with increased strength upon every point, and teach them that to contend successfully against us in the field is a thing impossible. I wish, therefore, to ask the noble Earl what are the measures which the Government intend to adopt for reinforcing the army in India, and at the same time for placing us at home in security, while we are occupied in such an important war?

EARL GRANVILLE: My Lords, the noble Earl has taken a very large view of a subject which is unquestionably of great importance—of so much importance, indeed, that I should feel myself to be almost trifling with your Lordships, were I on the present occasion to attempt to go *seriatim* through all the events which have been lately going on in India. I may say, however, that with regard to the disbanding of the 34th Regiment, it appears to me quite clear that a short delay was wise and judicious, when that delay gave an opportunity for concentrating such a European force as prevented what would have been a most serious disaster. In respect of what has fallen from the noble Earl in reference to the disaster at Meerut, it certainly appears, so far as we are able to judge, from the accounts that have come to hand—though it should be remembered that we have at present no official information as to the facts—that some mismanagement has occurred; but I am quite sure that it is wiser—I will not say for individuals of your Lordships' House, but it is wiser and fairer for the Government to give no opinion whatever upon the subject, until the whole of the facts of the case have been placed before them. I quite agree with the praise which the noble Earl has bestowed upon Sir Henry Lawrence, and admit the complete success which attended the movements which he made, and, without doubt, a decided and energetic course of action may often solve a difficulty of that description. The great difficulty, however, in dealing with disaffection among the Native troops is the difficulty which arises from not knowing to what extent it has reached, and where it is likely to break out; and I may inform your Lordships that I know it as a fact, that up to the last moment the most confident assurances as to the loyalty and good feeling of those troops were received by the Indian Government from the colonels of those regiments. The noble Earl has praised the steps which have been taken by Her Majesty's Government since the juncture arrived, but I regret that he thought it his duty to follow up that expression of praise by a statement which, coming from a person of his high authority, will, I fear, create unnecessary alarm. The forces which he mentioned as being gathered together by General Anson before Delhi, will be met by the English troops which have been despatched from the hills to join him; they will also be met by the troops of the Native princes, who have shown a most cordial and praiseworthy desire of co-operating with the British troops —and I think that this is a very important circumstance, not only from the material advantage of their assistance, but also as showing the opinion which prevails in India as to the result of such a contest. When these troops have assembled, it will be impossible for the mutineers long to resist. I thought also that the noble Earl somewhat exaggerated the difficulties of the case. The disaffection by no means extends, as the noble Earl seems to infer, to the whole of the Indian army. In two of the Presidencies the conduct of the Native troops is excellent; and even in Bengal, where no doubt the spirit of disaffection prevails the most, some regiments have remained faithful to their colours, and have shown their loyalty by operating against their disaffected comrades. Now, with regard to those military points with which the noble Earl thinks it will be so difficult for General Anson to deal. I do not like to place my opinion against that of the noble Earl, but I know the opinion of Lord Canning. Lord Canning knew that the General would be at Umballa on the 18th, and before Delhi on the 26th, and he looked forward with the most confident expectation of having a force at his command sufficient to enable him to deal in a satisfactory manner with those unhappy and misguided men; and I think that your Lordships will agree with me in thinking that the confident opinion thus expressed carries with it some consolation, and should teach us not to thoroughly despond with regard to the present state of affairs. The noble Earl, my Lords, has asked me two questions; and the first one, with regard to what reinforcements Her Majesty's Government intend to send out to India in this crisis, I can answer in a few words. Before the arrival of the late news 10,000 men, consisting of four regiments and of reinforcements for European regiments, whether belonging to the Queen's service or the Company's service already in India, and since the arrival of that news, after communication with the Court of Directors, four more regiments have been placed under orders to embark. With regard to the steps which have been taken in India, the noble Viscount the Governor General has thought it right to take every precaution in his power, and to adopt every means to strengthen the troops available for service. The noble Earl will be glad to hear that since the conclusion of the Persian war—which, however, he calls not the conclusion of a war, but only a treaty—the whole of the European troops engaged in the late expedition have left Bushire, and three regiments, having reached Bombay, proceeded to Calcutta, where they arrived in an incredibly short period, and from that place they can be most expeditiously moved wherever their services may be most required. With regard to the second question, I think that the noble Earl looks upon this country as being in a much worse position than it is, when he talks of putting the country under arms. It is manifest that it would ill become me at present to enter into any detailed statement of the measures which Her Majesty's Government may think it necessary to adopt, in order to strengthen the military forces at home—the noble Earl may depend upon it they will take all those precautions which they may think necessary. I agree with the noble Earl that we should consider the subject in no spirit of exaggerated alarm, but I think that if, because we happen to be at war with a portion of the Chinese empire, and that there is an insurrection in one part of India, we were to take upon us to say that our alarm is such, that we think it necessary to prepare this country in the same way as we should do if we were engaged in a struggle which might end in dire calamity and disaster, we should be lowering ourselves in the eyes of the world. The noble Earl has alluded to my private friendship towards Lord Canning: I will not allude further to that subject than to say, that I have this day received a private letter from Lord Canning, in which he goes over all the circumstances of the case with the care and gravity becoming the nature of the subject, and the tone of that letter is such as to give the Government the greatest confidence. He states that, notwithstanding the difficulties, he is able to write in very good heart, and adds—and in that I am sure the noble Earl will concur—that he cannot be sufficiently grateful for having at this moment had at critical places three men so admirably fitted to deal with these circumstances as Sir Henry and Sir John Lawrence and Mr. Colvin. I do not wish to prophesy, but I trust that your Lordships will, at all events, wait until the arrival of the next mail before you allow it to go forth to this country and to the world, that we are reduced to such a strait as that which the noble Earl has pictured.

LORD BROUGHAM: In a case of this kind, considering our distance from the scene of events, I cannot help thinking that it is of great importance to ascertain what are the feelings—not merely the opinions, but the feelings of alarm founded upon these opinions—of those who are nearer the spot. My noble Friend (Earl Granville) has already told us that the alarm, if it ever existed, has been nearly allayed at Calcutta. Will he also inform us, if he can, what are the feelings in the Presidencies of Madras and Bombay? Perhaps, also, as the money-market is a test of alarm not altogether to be overlooked, he will add whether the funds either at Calcutta or Bombay have been materially affected by these events.

EARL GRANVILLE: I am much obliged to my noble and learned Friend for putting this question. While the funds in this country fell upon the receipt of this intelligence, Government paper at Calcutta and Bombay has remained at exactly the same rate.

THE EARL OF HARDWICKE said, it was gratifying to think that the occurrences in India appeared now to be of a less serious character than the public mind at first supposed them to be. The noble Earl had not, however, satisfied him in regard to the measures the Government were about to take to send prompt assistance to India. When we considered the immense distance and time that must elapse before any reinforcements could reach their destination in India, it was most important that the Government should, if possible, enlist the assistance of our great Ally the Emperor of the French, of whose friendship and alliance we had heard so much, to allow our troops to pass through his territory to Marseilles, and to aid us then in conveying them down the Mediterranean. The assistance of the Pasha of Egypt should also be enlisted to convey them across to the Red Sea as rapidly as possible. In the course of his life he did not believe that there had arisen any crisis so formidable as the present was. He considered that they had as yet done little or nothing to meet the threatened danger when he recollected that we had a force at Aldershot of from 15,000 to 20,000 men, who, by some exertion and energy, might be transported to India with the assistance of those powerful friends to whom he had alluded. He thought it was their imperative duty to take those steps he had indicated. The country would judge of the vigour and capacity of the Government by the promptitude and zeal they now showed in sending adequate reinforcements to India. He was disposed to agree with the noble Earl opposite (Earl Granville) in regard to the course taken against China. He thought it would be a disgrace to us if they declined to carry on the war there with efficiency. If the militia of this country were called out and placed in a position of active service, we should have in a short time a good army for the defence of this country; and the Government would then have all the regular troops at its disposal for carrying on to a successful issue the wars in which we might be engaged.

THE EARL OF ALBEMARLE said, that one thing which had fallen from his noble Friend the Lord President ought to be satisfactory, and that was the fact of the absence of disaffection in the other two Presidencies of India. That assurance coincided with everything he had heard on the subject. He trusted that the relative condition at this moment of the Bengal and Bombay armies would lead to a reconsideration of the different rule and practice with regard to the enlistment of the two armies; for he believed that that system was the principal, if not the proximate cause of the disturbances. The rule and practice was in Bengal to enlist only high caste men, Brahmins and Rajpoots, to the exclusion of all other castes. This had a most deleterious effect on that army, every regiment of which became, as it were, a box of lucifer matches. It was said that the religious feeelings of the country were not interfered with; but he believed the religion of the country had nothing to do with the question, and that the propagandism of the missionaries had nothing to do with it. The Roman Catholics had for 350 years been trying to convert the country without creating disaffection; and the Protestants had been doing the same for fifty years without creating disaffection. Our predecessors as rulers in that country, from Mahmoud of Ghuznee, who was about contemporary with William the Conqueror, down to Tippoo Saib, all made short work of the question of religion. In Bengal the authorities were used to foster and pamper the feeling of high caste by turning out of regiments all low caste men who presumed to enlist. He hoped the Government meant, instead of making caste the qualification for enlistment, to make it, as was done in Bombay and Madras—a disqualification. The Sikhs and Ghoorkas had been faithful on this occasion, and they were of no caste, but were as brave and faithful as any troops could be. On another occasion, he should bring the subject of annexation in India before the House, and call on the Government to explain why, contrary to the advice of the Duke of Wellington, Sir John Malcolm, and Mountstuart Elphinstone, they did that which was shaking our Indian empire to its centre. He would quote the opinions of two well-informed persons on this subject. Sir Henry Russell, an eminent member of the diplomatic service in India, said that "the danger most to be dreaded in India was an extensive rebellion among the native subjects and native troops, and that danger was increased by the enlargement of our territory, which led to an increase of our native subjects and troops." The noble Earl was proceeding, when—

EARL GRANVILLE interposed. A question of great interest and importance had been asked and answered, but he hoped the noble Earl would not take up the time of the House by deviating into matters which had no intimate connection with that question. It was now past six o'clock, and the other business of the House should be proceeded with.

PRIVILEGE—LORD PLUNKET AND THE "EXAMINER" NEWSPAPER.

OBSERVATIONS.

THE EARL OF DONOUGHMORE rose to call the attention of the House to what he conceived to be a gross breach of the privileges of their Lordships' House. He wished to draw their Lordships' attention to an article in the *Examiner* newspaper of the 27th of this month, which was headed a "Libel on a Bishop," and when their Lordships had heard it read, he thought they would be of opinion that a grosser libel could not be penned. The person against whom it was directed was a Member of their Lordships' House, who, from his functions as a Prelate of the Church in Ireland, did not attend in his place in Parliament so frequently as they would all desire. He was a nobleman who was respected by all who knew him, of unassuming manners, of kind deportment, who must have won the regard of every person who had the honour of his acquaintance. Lord Plunket—the noble Lord who was libelled in this article—was the last man to lay himself open to an attack of this kind. He was a most unassuming man, a really hardworking Bishop, beloved by his clergy and by his flock, attending diligently to the duties of his see, and taking little or no part in their Lordships' deliberations. He should be the last man to wish in any way to encroach on the privileges of the press, which he conceived to be one of the most necessary guardians of our liberties; but, considering the unprovoked, unnecessary, and offensive character of this attack, he trusted their Lordships would assist him in vindicating the privileges of their House, and in marking conduct such as this with their disapprobation. The noble Lord against whom this attack was made was the son of, perhaps, one of the greatest men whom Ireland had ever produced. The first Lord Plunket was for years one of the most distinguished ornaments of his profession, and ultimately arrived at the head of it; and, though his son, the present Lord, might not possess all his great genius and talents, yet he had certainly inherited his kindness of heart and all those qualities which had endeared him to those with whom he came in contact. This article drew an ironical comparison between the character of the noble Lord and of his father, and proceeded to attack him most unwarrantably for a vote which he had given on the question of Ministers' Money lately before the House. In giving a vote against that Bill, this libel alleged that he was an unworthy son of his father. It was not necessary for him to enter into a vindication of the noble Lord, but it did so happen that the first Lord Plunket had always held and expressed in the strongest manner the opinion that the revenues of the Established Church in Ireland ought not to be interfered with. The article was as follows:—

"LIBEL ON A BISHOP.—Among the proxies against the second reading of the Ministers' Money Bill, in the House of Lords, we observe the name of Lord Plunket, Bishop of Tuam. It is morally impossible that this can be true. In fact, we have no hesitation to denounce it as a libel upon that noble Lord and right rev. Prelate. Lord Plunket, everybody knows, is the son of the late Lord, better known to the public as Mr. Plunket, the orator, the foremost Irishman of his day, as the champion of civil and religious liberty, the Whig, the Irish Chancellor of the

> Whigs, the man whom of all his countrymen the Whigs most delighted to honour, on whom they showered their favour and their patronage, not satisfied with advancing himself to the highest posts of the law, with the dignity of the British peerage, but lavishing places and preferments upon every member of his family with a profusion and partiality that excited the astonishment and often even the indignation of the public. To the success of Liberal principles, to the Liberal party, and the Governments resulting from its triumphs, the present Lord is indebted for all that he possesses and enjoys; for his mitre, for his coronet, for his wealth, his rank, his luxury, for every shred of his purple and fine linen, for every glass that sparkles, and every dish that steams upon his table. But for the Whigs and for Whig principles he would never have exchanged an Ulster curacy for a Connaught bishopric, and his hot punch for his cool claret. He would never have been translated to turbot, or preferred from the mutton-chop to the haunch of venison. Therefore we do not scruple to affirm it a moral impossibility that he could have voted, either in person or by proxy, in the manner attributed to him. Whoever inserted his name in the minority that voted against the Government and the Ministers' Money Bill virtually branded him both with illiberality and ingratitude, with degeneracy from his illustrious father, with forgetfulness of the unnumbered favours that have raised his family from poverty and obscurity to riches and consequence. We owe it to truth and justice, we owe it especially to the memory of the most eminent Irishman since Mr. Grattan, to vindicate the character of his son from so cruel an aspersion."

The noble Earl concluded by moving, that George Lapham, No. 5, Wellington Street, Strand, publisher of the *Examiner* newspaper, be called to the Bar.

EARL GRANVILLE: I can scarcely think that my noble Friend is quite in earnest in the Motion which he has just made. I do not rise for the purpose of justifying this article nor any other article which seriously or ironically holds up any of your Lordships to censure, but it appears to me that the Motion of the noble Earl will involve us in proceedings which may be endless, and we shall find ourselves in a permanent conflict with that very amusing publication, *Punch.* I think my noble Friend might have contented himself with calling attention to this attack which has been made on the noble Lord in this very unceremonious manner, but I cannot think that he is serious in asking you to take the step of calling the publisher to the bar.

THE EARL OF DERBY said, although the noble Earl might consider himself justified in indulging in a tone of levity and ridicule in connection with this question, he (the Earl of Derby) should have thought that he would have taken a little more pains in setting the House right as to the course it ought to take in reference to this gross and scandalous attack on a right rev. Prelate and a Peer of Parliament. He should be the last to interfere with the power of the public press in commenting upon the conduct of public men, and even in holding them up to ridicule. It was, however, a very different question when it came to deal with the votes given in that House, and with the motives which were supposed to influence them—imputing the most disgraceful conduct to some noble Lords in the votes which they gave in that House. What was the present case? It appeared that because the right rev. Prelate had not voted upon a particular question in a manner agreeable to the views of this writer, he proceeded to comment upon the Bishop's conduct, by saying that it was a gross libel to suppose that the noble Lord had voted in the way it was recorded he had done, because if he had voted so he would have forgotten all the obligations he had inherited from his father, and have exhibited an utter absence of those feelings of liberality and gratitude to those political friends, by whose kindness he had inherited his title and position. Let them say what they pleased, that was the literal meaning of the article. It said that by the noble Lord's merely giving the vote referred to by proxy, exercising thereby his undoubted right against the Bill, which threatened to confiscate the revenues of the Church—although the noble Lord by so voting had expressed his opinion in the least unostentatious way possible—he was nevertheless told in this article, that by giving his vote thus as a Prelate and a Peer he had shown himself utterly regardless of the circumstances of his late father; that he had degenerated from his principles, and that he was wholly insensible to every sentiment of gratitude and liberality. A more disgusting attack he (the Earl of Derby) had never read than that made upon the right rev. Prelate. The vulgarity and scandalous tone of the language used placed the writer below contempt; and only that the article imputed improper motives to a Prelate and a Peer in respect of a vote he had given in that House, he should have recommended his noble Friend not to take the slightest notice of it, but to treat it with that contempt which it deserved. At the same time, by imputing gross misconduct to a noble and right rev. Prelate, for the exercise of his right in conscientiously voting against a certain measure—by charging improper motives to a Peer and Prelate who was much respected by every one who knew him, he (the Earl of Derby) felt that this article was a gross abuse of that which was called the privilege of the press, and fully warranted the Motion for calling the writer to the bar of the House. But however desirable it might be to confer on the printer of that journal the distinction of standing at the bar of their Lordships, it was an honour which he did not see thrust upon him—but whoever might be the individual that penned it, it was quite evident that he had shown an utter absence of gentlemanlike or honourable feeling, and that he was utterly ignorant of the duties and responsibilities of public life. The writer said that the late Lord Plunket owed everything he possessed to the Liberal party. Well, now, that in itself was a libel upon the late distinguished statesman and lawyer. The late Lord Plunket owed everything he had obtained to his own distinguished merit. His services to the Liberal party were great, and undoubtedly they had not been more than adequately remunerated by the simple justice which had been done to him by that party. He (the Earl of Derby) could only say he wished that no one who received the honour of a peerage might deserve that honour less than the noble Lord whose son's conduct was now so bitterly impugned. Was it to be tolerated, because a noble Lord had been raised to the honours of a peerage for services which richly deserved them, that his posterity were to be bound by the public opinions of their ancestor, and should not dare to vote in any other way but in accordance with the sentiments of that Government who were the successors of those that, thirty years before, had obtained a peerage for the head of the family? Was the conscientious expression of opinion by his son to bring upon him accusations of gross ingratitude and of forgetfulness of all the obligations which he owed to the Liberal party? The writer of the article in question had shown an utter ignorance of what the duties of a Member of that House were, and pushed the principles of political gratitude to an absurd extent. Because a man thirty years ago had received the honour of a peerage, was his son to be the perpetual slave of the party who conferred upon his father such peerage? He would not recommend his noble Friend to press his Motion for calling the writer to the bar, but he fully participated with his noble Friend in those feelings of indignation which he expressed. He thought his noble Friend might content himself with having given expression to his opinion regarding this disgraceful and discreditable article, the writer of which had shown entire ignorance both of the duties of a Peer of Parliament and of the obligations of a gentleman and a man of honour.

THE MARQUESS OF LANSDOWNE was understood to say that the language of the article might be very improper to be applied to Lord Plunket, but it was one of those hoaxing and bantering attacks to which all public men were subjected every day; and if their Lordships were to notice it in the way proposed, it would end in the necessity of having *Punch* permanently laid down on the table, for that publication contained similar attacks every week. The article alleged, somewhat ludicrously, that the noble Lord was very unlike his father, of whom the editor of the *Examiner* had a very high opinion, while he had a rather low opinion of his son. It could hardly be denied that he had a right to his opinions. He thought his noble Friend would do well to take no further notice of the article.

LORD BROUGHAM concurred with his noble Friend (the Earl of Derby) in saying that a more harmless and inoffensive individual, independent of his other merits, than the right rev. Prelate (the Bishop of Tuam) never sat in that House, and he believed that he was universally respected and beloved in his diocese. The libel which had been read spoke of what his father owed to the party of his noble Friends opposite; but a more unwarrantable statement he never happened to see; for what the late Lord Plunket owed to that party was as nothing compared with what the party owed to him. His services at the bar, in Parliament, and on the bench were during his whole life of the highest value to his country; and throughout he was one of the most distinguished ornaments of the great party to which he belonged. With regard to the article which had been read, it was, no doubt, strictly speaking, a breach of the privileges of their Lordships' House, but of what use would it be to contend with the press in such cases as these? He remembered that on one occasion his friend Mr. Marryatt was represented in a newspaper as having said at a public meeting in the city that he would not go in procession to that "d—d cold church," meaning some particular church in the city of London. He felt much annoyed at the circumstance, and wrote a letter to the editor, in which he stated that his actual words were that he would not go to that "damp cold church." The next day there appeared in the newspaper a statement to this effect:—"We have given a place in our columns to the contradiction which Mr. Marryatt has made; but at the same time, we think it right to say that we have referred the matter to our reporter, who is certain that he used the words 'd—d cold church,' and to add that we have the most perfect confidence in the accuracy of our reporter." The gentleman complained to him of that treatment, and he (Lord Brougham) recommended him in future not to be too hasty in contradicting any statement that might appear in a newspaper.

THE EARL OF DONOUGHMORE said, he did not intend to press his Motion, but regretted that the two Members of the Government who had spoken had not expressed a stronger feeling upon the subject of an insult offered to one of their Lordships.

THE MARQUESS OF LANSDOWNE was understood to disclaim the smallest sympathy with the alleged disrespect shown towards Lord Plunket, for whom, on the contrary, he had the very highest respect. As the noble Lord took little part in public life he had not the pleasure of his acquaintance, but at the same time he had no hesitation in saying that the Government could not feel otherwise than deep regret that the noble Lord had met with such apparent disrespect.

THE EARL OF MALMESBURY must express his entire concurrence with what fell from the noble Earl near him, (the Earl of Derby), namely, that the writer of this article was utterly unworthy of putting his foot even as near their Lordships as the bar of the House. He therefore greatly rejoiced that his noble Friend had withdrawn his Motion, but inasmuch as the freedom of debate in their Lordships' House ought to be protected as far as circumstances would permit, he thought it was greatly to be regretted that the noble Marquess had not treated the insult offered to Lord Plunket in a more becoming tone. He was utterly astonished to hear the noble Marquess advising their Lordships to treat the matter as a joke. Doubtless the criticism in question might be intended for a joke, but if so all he had to say was that it was a great pity people were unable more easily to determine when these Whig gentleman were speaking seriously, and when in joke. As for himself, he must be allowed to observe, that he had but little appreciation of such wit.

LORD DENMAN was understood to complain generally of the manner in which their Lordships' debates were reported. He might ask their Lordships, did they believe that their impressions were adequately conveyed to the public? The other night a noble Baron near him (Lord Wensleydale) had addressed their Lordships upon a legal subject, a matter upon which his Lordship might well be supposed competent to speak. Nevertheless all mention, or nearly so, of his speech was omitted in the public press. The fact was, the press of the country went hand in hand with the Government. Still it was true there were those amongst their Lordships, and he confessed he was of the number, who, unlike the noble Earl opposite (Earl Granville), were in the habit of addressing themselves to their Lordships, and not to the press.

Motion *withdrawn.*

HARBOURS OF REFUGE—PETITIONS.

LORD RAVENSWORTH, pursuant to notice, rose to *present* petitions from shipowners, &c., of Blythe, Woodhorn, and Bothal, praying that a harbour of refuge might be constructed on the north-east coast for the protection of shipping; also to move for—

> "Correspondence between Mr. W. A. Brooks, of Newcastle-upon-Tyne, with the Secretary of the Admiralty, of the 26th of December 1856 and the 20th of February 1857: And also,
>
> "Estimate for the Formation of the whole of the Works requisite for the Completion of the Harbour now in course of Construction at Dover; and that a plan of the said Harbour, with Soundings, do accompany such Return, distinguishing that Portion of the Work first contracted for and completed, and also that Portion now contracted for and in course of Construction; and that longitudinal and transverse Sections of the Piers or Works be also furnished with the Plan: And also,
>
> "Similar Estimates for the Completion of the Harbours now forming at Jersey and Alderney, together with Plans and Sections as above described for Dover Harbour."

The noble Lord, referring to the return of wrecks on the coast of Great Britain, recently laid before Parliament by the Board of Trade, pointed out that one-fourth of the whole had occurred within seventy miles of the rivers Tyne and Wear.

The petitioners prayed that a harbour of refuge might be constructed on the north-east coast, and he would appeal to the noble Duke near him (the Duke of Northumberland) who had been so energetic in everything that could tend to promote the welfare of the sailor, and the preservation of life from shipwreck, to confirm his statement that such a measure would obviate a large part of these casualties. He would remind their Lordships that, having on a former evening brought this subject before them, the answer which he received was by no means satisfactory. However, the Government had now taken the matter in hand, as would appear from the circumstance of the Vice President of the Board of Trade having moved for a Select Committee of the other House to investigate certain details concerning it. At the same time, when he referred to the terms of that Motion, he must say it appeared to him to be very incomplete, for it did not go into the consideration of the establishment of harbours of refuge throughout the kingdom, but simply to this —whether it was expedient to make any further grants for harbours of refuge. Now he ventured to express a hope that the Select Committee would enter into the investigation of the whole question. As for the correspondence between Mr. Brooks and the Admiralty, he must observe that although he had not the advantage of the slightest acquaintance with that gentleman, yet he understood him to be an engineer of considerable talents, and that he had brought a great deal of information to bear upon the subject of which he treated. No later than the year 1856, Mr. Brooks had submitted a plan to the Admiralty for the construction of a harbour of refuge in the Bay of Redcar, and the correspondence which was now moved for showed in detail how great might be the loss to life and property occurring on the north-east coast upon even one single occasion of shipwreck. For instance, during the heavy gales of January last, no fewer than ninety-four ships bad been wrecked on the north-eastern coast, of which about twenty were seen to founder with their crews on board, and at least 200 mariners perished. After such statements, confirmed, and repeated, as they might be, by the official returns, surely the Government would see the vast importance of providing for the exigencies of trade and commerce, by constructing harbours of refuge on the north-eastern coast. The noble Lord the President of the Board of Trade had upon a former occasion alluded to the large sums of money that were being expended along the southern coast upon harbours of refuge. Now he (Lord Ravensworth) must be allowed to observe that there was a feeling almost that a spirit of favouritism had been evinced in this matter towards the southern coast; and it was on that account that he had been induced to ask for those returns with respect to the works going on at Dovor Harbour, as well as at Jersey and Alderney. He had been assured that the estimates with respect to those works had been of a most fallacious description, and that they were not calculated to cover a fraction of the ultimate expenditure. As for the works at Dovor, he believed that the situation for the new harbour had been a most ill-chosen one, and that the money it would cost might as well have been flung into the sea. The harbour had already cost the country £650,000, but perhaps the country was little aware that before the works could be completed they must cost £2,000,000. The Government might refuse him the information which he sought with respect to these works; but whether they did or did not, he had no doubt but that the Select Committee which was now about to meet would not separate without having all the details laid before them. He had taken the question up, because he was fully sensible of its importance, and when their Lordships recollected that the annual exports of this country came now to be cited at £120,000,000 sterling, and the imports at almost as much, to say nothing of our great coasting trade—and the trade which passed along the north-east coast, between the ports of the Humber, Scarborough, Whitby, Hartlepool, Durham, Newcastle, Berwick, Edinburgh, Dundee, and Aberdeen, was immense—he thought they would be inclined to think that he had not needlessly interfered in the matter.

LORD STANLEY OF ALDERLEY said, he was fully sensible of the importance of this subject. If it were the duty of the Government to expend money in building a harbour of refuge on the north-east coast, it would be impossible for him, on the part of the Government, to state what place would be selected for that purpose. The question of harbours of refuge had been referred to a Committee of the other House, and they would, no doubt, report their opinion to the House whether the public money ought to be granted for the construction of one or more harbours of refuge on the north-east coast. He had no objection to a return of the estimated expense of the works in progress at Dovor, Jersey, and Alderney; but many of the particulars were already before Parliament, and it would be impossible to give the noble Lord the details he required without a larger expenditure than it would be proper to incur. He, therefore, proposed that the return should be confined to the money expended and the amount required to complete the works in question.

Motion, as amended, *agreed to.*

Petitions read, and ordered to lie on the table.

House adjourned at a quarter past Seven o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, June 29, 1857.

MINUTES.] PUBLIC BILLS.—1° Illicit Distillation (Ireland).

2° Constabulary Force (Ireland); Election Petitions.

3° Sites for Workhouses; Married Women's Reversionary Interest.

POSTAL COMMUNICATION WITH AUSTRALIA—QUESTION.

MR. H. BERKELEY said, he rose to ask the Secretary to the Treasury, what arrangements have been made to supply the interruption in the steam postal contract service with Australia in consequence of the accident to the mail steampacket *Oneida,* and whether the mail due in the next month may be expected in the proper course at Suez, or by the long sea route by Cape Horn; also whether it be true, as formally stated in the Sydney newspapers, that the same portion of the machinery of the steamer *Oneida* which broke down on her passage with the first mail between King George's Sound and Point de Galle had been previously damaged whilst she was employed as a Government transport, and patched up with iron plates at Glasgow before her departure upon the Australian mail service; further, whether such damage was reported to the Government by the Admiralty Surveyor?

SIR CHARLES WOOD said, that the *Emu* had been sent out take the place of the *Oneida.* With respect to the arrival of the next mail, he of course could give no reply to it at present. In answer to the other question of his hon. Friend relative to the machinery of the *Oneida* he had to state that it had been surveyed and reported upon unfavourably by the officers of the Government, and he could not understand how or why the vessel had been despatched.

On the Order of the Day being read for going into Committee of Supply,

THE MUTINY IN INDIA—QUESTION.

MR. DISRAELI:—The House will hardly feel surprised if, in the present state of public affairs, before we go into Committee of Supply, or discuss any of the Motions of which notice has been given, I make some inquiry of Her Majesty's Government respecting the present condition of our Indian empire. It is only a few years since we were involved in a war which, if not of unexampled magnitude, was of an importance seldom equalled in our history—a war in which this country made great sacrifices of blood and treasure. By that war the public debt and the taxation of the country were considerably increased, and some of the best lives of our fellow-citizens were lost in that encounter. Still the nation never for a moment murmured at those great sacrifices. The country was enthusiastic, and Parliament was unanimous in supporting Her Majesty and Her Majesty's Government in the late war with Russia. But I believe that both the people and the Parliament were greatly induced to take the high line of conduct which they pursued on that occasion because they believed that the policy of Russia had a tendency to endanger our Indian empire. Well, Sir, no sooner had peace been proclaimed, and happily proclaimed, between Russia and England, than we found ourselves involved in another war—a war with Persia. For a long time the cause of that war was unknown, and its object, to say the least of it, perplexing. Still, the country and Parliament submitted with forbearance to the want of information which then prevailed upon the subject, because there was a general impression that the relations between Persia and England were of a nature difficult and delicate; that the interests of our Indian empire were involved in a right appreciation and management of those relations; and that the independence of Persia must be maintained in order to form a barrier between our rivals and our Indian empire. Well, Sir, the last document which completed the peace between this country and Russia has only recently been signed; the ratification of the peace between this country and Persia has been only recently laid on the table; and then we found ourselves involved in a third war—a war with China. It could not be said that the Chinese could invade our Indian empire; it could not be said that it was necessary to maintain China as a barrier between our rivals and our Indian empire. But it was said to be of the utmost consequence that we should not permit for a moment the slightest indignity or supposed indignity to be endured by our flag in China, because it was of the first importance that the reputation of England in all Eastern countries should be maintained inviolate, otherwise our Indian empire would be endangered. Influenced by this policy, and by these reasons, the majority of the House, and perhaps of the country, have contentedly been involved, within the last five years, in three great Eastern wars, because, however great the sacrifice, however great the exertions necessary, however great the call upon our resources, there was a general opinion that nothing should be shunned or spared when the safety of our Indian empire was at stake. Well, Sir, after all these exertions and sacrifices, we now find the existence of our Indian empire is indeed imperilled—not by the action of any foreign powers, whose movements both as regards place and time would require a considerable interval to elapse before they could take effect upon our position, but our Indian empire is now endangered, not by the manœuvres and machinations of our declared foes, but by internal enemies, in a form that we could not possibly have expected. We learn, within the last eight-and-forty hours, that the ancient capital of Hindostan is no longer in our possession. And in whose possession is it? It is in the possession of our insurrectionary and rebellious troops. Surely this is a position of affairs which creates a necessity for this House to demand from Her Majesty's Ministers that they should throw some light upon it, give us some information as to its causes, and, above all, tell us what they propose to do at this emergency. Sir, the information that has reached us within the last twenty-four hours communicates the most important events that have occurred, certainly in my public life—and, I should think, in that of most present. Whatever may be the various views and emotions which hon. Members of this House, or the country generally, may entertain and experience at this intelligence, I am quite sure there is one predominant sentiment to which all others, however important, must be subordinated, and that is a determination to support the Sovereign and the Government in all those measures which so grave and critical an emergency may require. I am quite sure that the spirit of this country is so high, its resources are so great, that there is nothing the people are not prepared to endure, no expenditure which they are not prepared to incur, and no effort which they are not prepared to make, in order to maintain that empire which it is the boast of this country so long to have possessed, and which is one of the chief sources of our wealth, our power, and our authority. But, if I have not imperfectly expressed the general feeling of the House, I hope it is not unreasonable in me to inquire of Her Majesty's Ministers whether they are prepared to respond to these sentiments in a manner congenial—whether they are prepared, in a manner adequate to the occasion, to carry these feelings into effect. I think, Sir, we should not be doing our duty if we lost a moment before making this inquiry of the Government. I should be glad, therefore, to hear to-night that, whether as regards their power or their promptitude, those measures will be taken which are calculated to vindicate the honour and the authority of this country, and to maintain our interests in India. I think, Sir, that is the first and paramount inquiry which, under these circumstances, we are bound to make of Her Majesty's Government; and I think it is one on which we have a right to expect a full and frank communication. But, I should not be performing what I deem to be my duty as a Member of this House, if I paused here, and rested satisfied with such an inquiry alone. I think we have a right to expect from Her Majesty's Government that they should tell us to-night what, in their opinion, is the cause of these great disasters. This calamity has not been of a sudden nature; there have been, and for no inconsiderable period, dark rumours from India, which have made men anxious and thoughtful. There has been an occurrence of many perplexing incidents in that country, which, no doubt, cannot have been lost upon the attention and consideration of men charged with the responsible duty of administering the affairs of an empire. I want, therefore, to know not only what, in the opinion of the Government, has been the main cause of these calamitous events, but whether they were forewarned? I wish to know whether, in their opinion, the cause is political or religious, whether it has originated in the maladministration of our affairs, or in some burst of fanaticism which ought, perhaps, to have been foreseen, even if it could not have been prevented? I wish to know what has been the general nature of the communications received by the Government from the highest Authorities in India, military and civil, upon this subject? I wish to know whether it be true or untrue that, months ago, the highest military Authority in India warned Her Majesty's Ministers of the unsatisfactory state of our army there? I wish to know whether there have been placed before the Ministry statements and complaints that our army in India is under-officered? I wish to know whether it has been represented to Her Majesty's Government that the habit of employing our regimental officers in civil and diplomatic services, without substituting men of equal experience and rank in their places, has exercised an injurious influence upon the discipline and the spirit of the army? I wish to know whether the civil and the military Authorities of India have been in accord, as to the information they have given, and the representations they have made—whether the highest civil Authority in India is not agreed with the highest military Authority there in the policy which he recommended, and the views which he wished to enforce? I would even ask of Her Majesty's Ministers whether the Governor General of India, at this moment, has expressed his willingness to resign the high office which he held? These are questions which, I think, under the circumstances, Her Majesty's Ministers should not shrink from frankly meeting. I have refrained from entering into any controversial question. If it be necessary that the Government of India should be brought under the consideration of this House, no doubt a fitting opportunity will be offered for doing so. I have confined myself to asking questions which, I believe, anxiously occupy the public attention at this moment, which appear to me to be proper and fair inquiries to address to the Government, and to which I trust I shall receive a frank and full reply. I would presume, before I sit down, Sir, to make only one observation on the state of India. No one can, for a moment, shut his eyes to the extreme peril to which, at this moment, our authority is subject in that country; but I cannot say, little as my confidence has ever been in the Government of India, that I take those despairing or desperate views with respect to our position in that country which, in moments of danger and calamity, are too often prevalent. I would express my opinion—an opinion which I have before expressed in this House—that the tenure by which we hold India is not a frail tenure; but, when we consider that that great country is inhabited by twenty-five nations different in race, different in religion, and different in language, I think it is not easy, perhaps it is not possible, for such heterogeneous elements to fuse into combination. Everything, however, is possible; every disaster is practicable, if there be an inefficient or negligent Government. It is to prevent such evils that I think the House of Commons is performing its highest duty, if it takes the earliest opportunity after the intelligence has arrived—intelligence which has produced great alarm in the capital of Her Majesty's empire—of inviting Her Majesty's Ministers frankly to express to Parliament what, in their opinion, is the cause of the great calamity that has occurred—and, above all, what are the means which they intend to take—and at once to take—in order to encounter the peril before us, and to prevent the evil consequences which may be apprehended.

MR. VERNON SMITH: I rise, Sir, readily to respond, as far as the occasion will permit, to the call of the right hon. Gentleman, and certainly no one can feel the least surprise, considering the grave intelligence which has come from India, that a gentleman occupying so prominent a position in public affairs as the right hon. Gentleman should make some inquiries respecting the state of that country from Her Majesty's Government. In what has fallen from the right hon. Gentleman I have little to gainsay or to contradict, with the exception, perhaps, of the observation that the Russian war was conducted entirely for the security of our Indian empire. Sir, the Russian war was not conducted entirely for the security of our Indian empire. If it had been we should still be waging it; because I believe that if any persons were sorry for the conclusion of that war, they were the residents of India and the Indian Government. They would have wished that Power to have been infinitely more thwarted than it was, and to have been beaten infinitely further from the approaches to the Indian empire. The right hon. Gentleman asked the Government what advices they had received from India, and what preparations they were about to make to put an end to the evils occurring there; and the right hon. Gentleman added, in a manner befitting the occasion, and which did honour to himself, that the House of Commons would be prepared to place at the disposal of Her Majesty any means whatever that might be required for that purpose. Her Majesty's Government have been fully alive to that, and, feeling confidence in the House of Commons, they have immediately decided upon sending out reinforcements of European troops to India; but, as the right hon. Gentleman has asked the question, perhaps it would be satisfactory to the House that I should state with the utmost frankness, and with something of detail, what those reinforcements are. I am now speaking in the month of June—but by the middle of next month, I hope — the transports being provided — that there will sail from this country nearly 10,000 men. Those forces were partly in preparation before: 7,690 of them consist of reliefs and recruits to the Queen's army, and the complement of the East India Company's recruits brings up the whole number to 9,940, or, in round numbers, 10,000 men. But that is not all. The House is probably aware that under the Act of Parliament the Government has no right to provide more than a certain number of Queen's troops for India without the application of the Court of Directors. The Court of Directors immediately upon receipt of this intelligence determined to make such application; and I need scarcely say that if they had not done so, the Government would have called upon Parliament to give them fresh powers for the purpose. The Court of Directors, however, willingly came forward, and they have applied for 4,000 fresh men, so that I hope that in the course of a very short time 14,000 European troops, partly reliefs, partly recruits, and partly additional troops will be on their way from these shores to India. I hope that the House will not be carried away by any notion that we exaggerate the danger because we have determined upon sending out these troops. It is as a measure of security alone that these troops are sent out. And, Sir, with respect to the danger to be apprehended, I must quarrel with the expression made use of by the right hon. Gentleman. I cannot agree with the right hon. Gentleman when, after summing up the possible dangers that might occur, he tells us that our Indian empire is "imperilled" by the present disaster. I deny that assertion. I say that our Indian empire is not "imperilled," and I hope that in a short time the disaster, dismal as it undoubtedly is, will be effectually suppressed by the force already in that country. I need not detail to the House the transactions which have taken place, because every hon. Gentleman has read in the journals of the day a pretty faithful narrative of them; but I might say that I am proud of the manner in which the Indian service have acted. I think that no better example could be found in civil life than that which was set by Mr. Colvin in Agra and the two Lawrences in Oude and the Punjab, and the Governor General has expressed his delight and satisfaction at having to act with men of such sound and vigorous judgment. Everything that can be done is being done in India, and troops have been already marched up to surround what the right hon. Gentleman calls the ancient capital of the Moguls, the city of Delhi. Luckily the outrage has taken place there, because it is notorious that Delhi may be easily surrounded, so that if we could not reduce the place by force we could by famine. But I have no doubt that it will be reduced by force immediately that a man of the well-known vigour of action of my gallant friend General Anson, who now commands the army of the North, appears before the walls of Delhi; and, at the date of the mail leaving, we had advices that General Anson would shortly be before the town with an ample force of infantry, cavalry, and artillery. Unfortunately the mail left on the 18th ultimo, and I cannot, therefore, apprise the House that the fort of Delhi has been razed to the ground; but I hope that by the next mail we shall receive intelligence that ample retribution has by this time been inflicted on the mutineers who occupy that city. The right hon. Gentleman proceeded to inquire what were the causes of the disaffection, and he dwelt upon a good many of them which have been circulated in different quarters of society; but when he asks whether the Government has been advised of those causes and has failed to remedy them, I can only say that no application has been made from the local Governments till now for an increase of force, and I may add, that the remedy which is always suggested for every evil is an increase of the European force. The right hon. Gentleman has referred, *inter alia*, to the withdrawal of military men for the civil service. That has been the habitual custom of the Indian Government for a long series of years, and has never been disapproved of; but whenever a regiment is called into action on foreign or domestic service, it is the duty of all military men who are engaged in the civil service immediately to join their regiments. Another cause, and a very delicate one, is the alleged interference with the religion of the Native troops. There certainly has arisen of late an impression among the troops that there was to be a general conversion of the Natives to Christianity; and the feeling of insubordination, as the right hon. Gentleman is aware, broke out first in the 19th Regiment, with the refusal of the men to bite the new cartridges, which were supposed to be greased with an animal substance which they abhor. Those and other causes have concurred, particularly in the Bengal army, to produce results which are undoubtedly deserving of the deepest consideration, but I am not aware that they have even been brought so prominently before the Government as to justify a charge of neglect against the Government for not having applied a remedy to them. No doubt the Bengal army is the one chiefly animated by this kind of disaffection, owing partly to the higher caste of the Sepoys enlisted in it, and partly to other causes which will require and will receive the most anxious and careful investigation at the hands of the Government. The right hon. Gentleman alluded to some other matters which I had rather that he had omitted, such as an alleged difference between the Governor General and the Commander in Chief. I am quite aware that a rumour of that kind has been bruited about in private circles, but of my own knowledge I know nothing of it. In their communications with me, however, I have always heard those Gentlemen speak in the highest possible terms of each other, and I am not aware that there are such differences between them as might not be allowed between all men acting together in public life without endangering private friendship. Then the last question which the right hon. Gentleman asked was, whether the Governor General had not offered his resignation—whether, in fact, he had not actually resigned. Resign in such a crisis as this! Why, Sir, I should imagine that there is no one less likely to allow such a thought to enter his head than my noble Friend Lord Canning, and I am happy to state, that neither on this occasion, nor on any previous occasion, has my noble Friend tendered his resignation. Lord Canning has behaved in this emergency with the vigour and judgment which I should always have anticipated. His letters show no want of calmness, no lack of confidence. He says that he is certain that he shall be able to put this revolt down, and he adds, that when he has done so he shall turn his mind to ascertaining the causes which have led to it, and the best means of remedying them, as far as lies in his power. There has been no lukewarmness on his part, no backwardness, no shilly-shallying. His letter breathes that calm confidence and self-possession which best become a noble and generous mind. I have no hesitation in prophesying that my noble Friend will prove himself perfectly equal to the occasion. He may be surrounded in Calcutta by persons who entertain fears, but he has invariably reproved them; but when people talk of the panic which exists in India, the best possible test of that, probably, is that delicate barometer of the state of public feeling—the funds. They have not been disturbed, and I believe that the Company's paper remains in exactly the same state as it was before these occurrences took place. The right hon. Gentleman is aware that to enter into too much detail would not be wise on the present occasion. I could, if it were necessary, detail to the House every spot at which troops are quartered, and every arrangement which has been made thereon, for the fullest information has been sent home as regards the Punjab, Bengal, and all other parts of India. Suffice it to say, that there will be European troops in India equal to any emergency, and, as a proof of the truth of this statement, the House need only turn to the conduct of the troops during the Persian war—troops whom General Outram described to be in as fine a condition as any troops in the world. On the arrival of some of those troops at Bombay they were immediately shipped to Calcutta, thence to be conveyed in boats up the Ganges to the vicinity of Delhi, if affairs there are not brought to an earlier conclusion. I am not aware of anything else respecting which I have not offered as frank and sincere explanation as possible on the present occasion. As regards the allusion to the existence of danger in the present state of things in India, I do not believe that any danger does exist further than what must arise from any outbreak which may happen periodically in India from fanaticism or other causes, to be put down as surely as the present outbreak will be. Therefore, I anticipate no danger to our Indian empire, but I can express no surprise or objection that the right hon. Gentleman, under the existing grave circumstances in India, and considering the loss of life which has taken place, accompanied by horrors I should be sorry to detail, should have brought the subject under the notice of the House, and called for an explanation, which I hope I have tendered, however imperfectly, with all frankness.

SAVINGS-BANKS FUNDS.
QUESTION.

SIR HENRY WILLOUGHBY said, that assuming that it was not the wish of the House to continue the discussion on Indian affairs, he would at once proceed to call the attention of the House to some gigantic changes in the public stocks during the last two years, and would ask the Chancellor of the Exchequer for an explanation as to the purchase of £287,600 Three per Cent Stock, and £2,470,000 Exchequer bills, and as to the sale of £2,384,030 Three per Cent Stock, and £111,000 Exchequer bills, belonging to the trustees of savings banks, in the year from the 20th day of November, 1855, to the 20th day of November, 1856. In round numbers, in 1855 and 1856 £10,036,000 Exchequer bills had been bought, and £5,415,000 stock and £4,449,500 Exchequer bills had been sold. What was the meaning of these gigantic operations in the public securities? Every statesman who was an authority on finance, had declared that this House should watch with jealousy any changes in the public stocks, and the Government making such changes was bound to explain the meaning and the object of it. Now, in the first three months of last year, namely, from January to April, 1856, £2,100,000 Exchequer bills were bought, and £2,380,030 stock were sold at the low prices of 85, 86, 87, 88, 89, 90, 91, in order to pay for the Exchequer bills. Stock rose in July, and £287,600 stock was purchased at the high prices of 95 to 96. This was a trust fund for the savings-banks, the principle regulating which was laid down in the 2nd section of the 9th of *Geo.* IV., cap. 92—namely, that except what the depositors require, the produce was to be invested so as to accumulate at compound interest, not by the Chancellor of the Exchequer, but by the Commissioners for the reduction of the national debt. Now, the Act of 1818, 58th of *Geo.* III., chap. 66, sec. 1, declared that the Commissioners should act by a quorum of four. How, then, could the Chancellor of the Exchequer alone authorize such extensive stock-jobbings? What would be thought of a trustee of £10,000 who sold at 85, and then bought Exchequer bills, and, after a short period, reinvested at 95? One thing was clear—a few such transactions and the trust fund would vanish. They had recently heard of a great amount of savings-banks money having been lost, and it had been made a matter of speculation how that deficiency had arisen; but here, at least, we had one cause of deficiency. Sell stock at 85 to buy £2,500,000 of Exchequer bills, and reinvest at 95, and you would soon know what sort of a trustee you had got, for the fund would speedily cease to exist. The object of these transactions was to support the price of Exchequer bills; but what, in reality, was the effect of the operation upon the public dealer or *bonâ fide* holder? You sell stock and buy Exchequer bills; you raise the value artificially, until the bills are exchanged; the operations of this gigantic stock-jobbing cease, down to the Exchequer bills to a discount, and every *bonâ fide* holder is sacrificed. At this moment Exchequer bills were at a discount, having been at par and above previous to the exchange in June, and now every holder of Exchequer bills who must sell, would be a loser according to the amount of discount, which now was nearly 10*s.* per cent. Was this a creditable mode of using the £35,500,000 of savings-banks money? Had the Legislature ever contemplated any such stock-jobbing? Now, these transactions took place in the names of some of the most influential persons in the kingdom—namely, the Speaker of the House of Commons, the Governor and Deputy Governor of the Bank of England, the Chief Baron of the Exchequer, the Accountant General, and the Master of the Rolls, who, by the first clause in the Act of 1818, were alone invested with the power of converting savings-banks stock into other stock; whereas the transactions to which he had referred, had been carried out by the Chancellor of the Exchequer upon his single authority, acting unjustly on the market for stock, and damaging a most important class of security, the Exchequer bills, so much so, that that class of security no longer held the position it once occupied in the public estimation. This system of chopping and changing, and dealing with the public funds, was one which, in his opinion, the House should, as a matter of necessity, put an end to. The nature of the transactions he had described was as clear as A B C, and he trusted the explanation of the Chancellor of the Exchequer would be equally so, that the public might know what had really been done, and what was the object of doing it.

The CHANCELLOR OF THE EXCHEQUER: The hon. Baronet, in the speech he has just addressed to the House, has raised two questions for its consideration. The first is a question of general policy, and the other a question as to the discretion of the Government in an individual case, or rather a series of transactions extending over a limited time. I may remark in the first place, with regard to the question of general policy, that the Legislature when they appointed the Government central banker to the savings-banks, and placed in the custody of the Government the whole of the funds of those banks, deliberately conferred upon the Executive Government the power of varying the securities; that is to say, they gave the Government the power which is possessed by every other banker of dealing with the deposits placed in his hands in such a manner as may be most conducive to his own interests. The hon. Baronet does not and cannot pretend to say that the Government, in the cases to which he has adverted, have in any way exceeded their legal powers. [Sir Henry WILLOUGHBY: I deny that they have such powers]. Then I affirm, in the most confident manner, that legal powers exist for every act which has been done by me, and I also affirm that similar acts have been done by my predecessors from the very first period when the savings-banks money was placed in the hands of the Government. I never heard before, that there was any doubt with regard to the legal powers of the Government. I believe such power exists, and I can confidently affirm that I have not exercised any powers beyond those exercised by my predecessors, and that in one particular case I have not gone to the extent of such powers. The ground upon which these powers were conferred upon the Government was that, as it became the holder of deposits for savings banks, and in that capacity was liable, from no mismanagement of its own, to some loss in certain states of the market, so it should possess the advantages which naturally belonged to those who administered what might be considered the affairs of a bank. I believe that I have acted in conformity with the law, and in accordance with the course pursued by my predecessors, and I conceive that, as long as the present law remains unaltered, it will be the duty of any person holding the office I have now the honour of occupying to make use of the large funds placed under his administration, in such a manner as shall be most conducive to the public interests, without in any way impairing the security of the savings banks funds. If, however, Parliament should think fit to take from the Chancellor of the Exchequer the power of varying the securities—if it chooses to say to him, "You shall not sell stock and purchase Exchequer bills,—you shall not sell Exchequer bills and purchase stock," his duty will be perfectly clear. He will merely leave the securities unchanged, and they will remain in the denomination in which the original investment was made. I have always understood that the powers to which I have referred were conferred with the express view that sales and purchases should be made for the public benefit. The hon. Baronet, however, calls the variation of the securities stock-jobbing, and says that I am a gigantic stock-jobber. It is very easy to give an ill-sounding name to an act done in what I consider to be the discharge of public duty; but if the power be vested in the Government, which I most confidently maintain is vested in them, the conversion of one security into another can only be effected by sale and purchase in the public market—the Stock Exchange. Under such circumstances, undoubtedly, the Chancellor of the Exchequer becomes a stock-jobber; but I can hardly believe that the House will think a question of this magnitude is to be decided by a mere appeal to prejudice by the use of a term of this description. I am satisfied that they will look to the policy upon which the law is founded. Having given that explanation, I will add that, so long as the law remains unaltered, I shall consider it my duty to act upon what I believe to be its correct interpretation, and I shall continue to earn the reproaches of the hon. Baronet for being a stock-jobber, if it appears to me that the public interest will be promoted by the conversion of one form of security into another. If, however, at the recommendation of the hon. Baronet, the Legislature should think fit to alter the existing law, and deprive the executive Government of the power which it at present possesses, I shall readily acquiesce in that decision. At the same time, the House must bear in mind that they will, by making such an alteration, subject the public to certain losses which are at present avoided. I have not yet answered the question put to me by the hon. Baronet, with regard to certain purchases and sales of stock last year, but I will now proceed to do so. On the 20th of November, 1855, the balance in the hands of the Savings Banks Commissioners was £217,000. This amount was not in stock or Exchequer bills, but in money, which it was incumbent upon the Commissioners to invest. In the course of the following year, it became necessary for the Government to borrow £2,000,000 upon Exchequer bills, and I had to consider what was the most advantageous mode in which that loan could be effected, having regard to the state of the market and the funds in the hands of the Savings Banks Commissioners. The course taken was this. Stock belonging to the Savings Banks Commissioners, to the amount of £1,963,199 was sold, and it produced in money £1,763,320. The difference between the last sum and the amount paid for the £2,000,000 was taken from the cash balance. [Sir H. WILLOUGHBY: At what price was the stock sold?] I cannot tell at this moment; but I suppose at the price of the day. [Mr. AYRTON was understood to say that the price was 85¾.] Now, if instead of selling stock to take the Exchequer bills, we had applied the sum arising from the cash balances in the purchase of stock, and had not sold stock, the Savings Banks Commissioners would have had £2,273,000 stock, instead of £2,000,000 of Exchequer bills. The annual interest on the £2,273,000 stock is £68,000, and the annual interest on the £2,000,000 Exchequer bills is £76,000, so that the savings banks fund has gained £8,000 a year, while the Government has avoided raising the interest, which it must have done, to put out £2,000,000 of Exchequer bills. [Sir H. WILLOUGHBY: At what loss of capital?] That would depend upon the state of the market. The question here, however, is as to the annual interest; and I maintain that the Savings Banks Commissioners gained instead of losing by that operation, and the Government, by avoiding the depreciation which would have resulted from bringing into the market so large an amount of Exchequer bills, were relieved from the necessity of raising the interest. Further, we had £2,273,000 less of capital stock, but as the Exchequer bills purchased for savings banks may be funded at the rate at which the sinking fund operates during the quarter in which the purchase is made, that £2,000,000 of Exchequer bills will give us £2,332,000 of stock, instead of £2,273,000, showing a gain of capital of £59,000 for the savings banks. I may observe that, although the Savings Banks Commissioners undoubtedly possess, by law, the power of funding Exchequer bills, that power, which has frequently been exercised by my predecessors in office, has never been resorted to by me. I think I have satisfied the hon. Baronet—[Sir H. WILLOUGHBY intimated his dissent]—or, at all events, that I have satisfied the House, that regarding these operations either as questions of capital or of interest, they have been advantageous to the country. The hon. Baronet has put a question to me with regard to an amount of £110,000. That was a sum of Exchequer bills delivered to the Paymaster General to be cancelled, in order to complete the amount required to be funded. I shall be ready, on every occasion, to give the fullest explanation with regard to any of those operations to which the hon. Baronet so strongly objects. I believe I have acted in strict accordance with the letter of the law, and in furtherance of its true policy, and I shall continue to do so. If it be the pleasure of Parliament, however, to take away the power I have referred to, I shall willingly submit, for I shall then be relieved from a very serious responsibility, and I shall no longer be subject to the reproach of being a dangerous stock-jobber.

Mr. GLYN said, although he did not agree in the view that the Chancellor of the Exchequer, in dealing with the savings-banks moneys, had gone beyond the power invested in him by law, yet he thought, considering the character of those funds, their immense magnitude, and the frequent opportunities that arose for dealing with them, it was necessary that something should be done by that House to regulate the use of those funds by the Government of the day. The Chancellor of the Exchequer had certainly proved that the operations which he had been called on to explain had tended to the advantage of the funds of the savings banks themselves. The question of the loss of capital would be a matter that would require to be settled by the House ere long. But he (Mr. Glyn) was convinced that in this country it would not do longer to leave £35,000,000 of money belonging to the savings banks to be dealt with by the Chancellor of the Exchequer in a way which was regulated by no definite rule, even though it might be in accordance with the law. He contended it was incumbent on the House to place the savings-bank funds on a different footing, and the only satisfactory way in which that could be done would be to declare the liability of the country at once in respect of those funds. He objected, at all events, to the Government playing with those moneys, unless they annually laid before Parliament a statement showing not only the amount sold and bought from time to time, but the reasons and policy which had led to the several transactions. He did not think the House would be performing its duty to the public until it established some restrictive rule with reference to this subject. He was not one of those who thought the power of dealing with the funds in question should be taken away from the Chancellor of the Exchequer altogether, and left in the hands of operators in the city; but he submitted that that power ought to be very much restricted, and the House could only do that by limiting the amount with which the Chancellor of the Exchequer should have the power of operating, and demanding from him an annual statement, such as he (Mr. Glyn) had suggested, as to the exercise of that power.

Mr. MALINS said, that no doubt the Chancellor of the Exchequer had carried on these operations in a very skilful manner as a banker, and therefore there was no reason to complain of him in that respect. But in another respect there was reason to complain of him, and he did not think the public at large were aware of the extent to which those stock-jobbing transactions, called, in common parlance, "rigging the market," were carried on. He was informed that on a late occasion it became obligatory on the Chancellor of the Exchequer to pay off £2,000,000 of Exchequer bonds. At that time—April and May last—a considerable sum in those bonds was held on behalf of the savings banks. Exchequer bills were then at a discount of 6*s.* 3*d.*, and it being inconvenient for the Government to meet the payment, it became a great object to raise the price of them. The Chancellor of the Exchequer then appeared in the market, and proceeded to deal in Exchebills with such rapidity, that in a short time, instead of their being at a discount of 6*s.*, they absolutely ran up to a premium of 6*s.* This turned out a very successful operation, for when Exchequer bills were at a discount, the holders sent them in for payment when the period for payment or exchange arrived; but when they were at a premium they sent them in for exchange only. But the question was, whether the Chancellor of the Exchequer of England was justified in going into the market and entering into those fictitious transactions in order to give an appearance of value to that which really had no such value. The transaction to which he (Mr. Malins) had referred took place in April and May last, a great number of persons had been induced to exchange their Exchequer bills because they were at a premium, and now that very morning it was announced that Exchequer bills, instead of being at a premium, were at 10*s.*, or ½ per cent discount. He would ask the Chancellor of the Exchequer if that loss had not been brought about by those fictitious transactions on his part, and whether it was not, in fact, "rigging the market" when it was sought to give a fictitious appearance of a demand for that for which there was really no demand? He submitted, also, that it was a question worthy the serious consideration of the House whether the funds in question should be longer at the disposal of the Chancellor of the Exchequer after the transaction to which he (Mr. Malins) had called attention, in which the course of proceeding adopted by the right hon.

Gentleman, however laudable on the part of a banker, was most reprehensible in one who was acting as a trustee for the public. He should conclude by asking the right hon. Gentleman what amount of savings-bank funds was laid out in the purchase of Exchequer bills in April and May last, and the maximum or minimum price at which the exchanges were made?

Mr. WEGUELIN said, the investment in Exchequer bills of the savings-banks funds was one which it was quite in the power of the Chancellor of the Exchequer to make. It was, besides, the most favourable way in which the money could be invested, because it yielded the greatest amount of income, and he therefore saw no reason for accusing the right hon. Gentleman of having made a bad investment.

Mr. MALINS (interposing) said, he did not accuse the Chancellor of the Exchequer of making a bad investment, but of deceiving the public.

Mr. WEGUELIN resumed: As to the charge of deceiving the public, the public knew very well that when the agents of the savings banks came into the market they did so for the purpose of purchasing or selling funds for the savings banks, and therefore there could be no deception. The hon. Member (Mr. Malins) said the Chancellor of the Exchequer took part in the transaction to which the hon. Member had called the attention of the House for the purpose of enhancing the price of Exchequer bills at a particular time when such a course was most unjustifiable. But surely the Chancellor of the Exchequer, in the position in which he stood, had a right to consider what would be the best course for him to take on such occasions; for either a large amount of Exchequer bills would have been sent in for liquidation at a period when it might be most inconvenient to pay them, or the Chancellor of the Exchequer would have to raise the rate of interest upon these securities, which would cause an additional demand upon the public. He (Mr. Weguelin) contended, therefore, that the right hon. Gentleman was perfectly justified in investing the savings banks money in Exchequer bills at that time. With reference to the general question as to the policy of leaving the power in the hands of the Chancellor of the Exchequer in dealing with the funds of savings banks, he trusted that power would never be taken away from the Chancellor of the Exchequer, because it was placed with him as a security for the public. The House ought to remember that the Chancellor of the Exchequer was very much in the position of "dummy" in a game of whist. He was always obliged to show his hand, and the dealers in stock lay in wait for him. The stock-jobbers, indeed, might be said to rush into the market to meet him, and therefore it was most desirable that he should have the power of dealing with the funds in question. He hoped the power would still be reserved to the Chancellor of the Exchequer, as it was desirable he should have the power of varying securities, inasmuch as he had no power to buy except he had money of the savings banks actually in his hands, or to sell excepting for savings bank purposes. He might change one security for another, but this could produce little or no effect on the money market. He was satisfied that it was for the public interest, and he did not think that any loss had been suffered thereby. It was true that there had been a large deficiency in the savings banks funds, but that was owing to the large amount of interest guaranteed some years—as much as £4 11*s.* per cent.

The CHANCELLOR of the EXCHEQUER said, a question had been distinctly put to him by the hon. Member for Wallingford (Mr. Malins), and as the hon. Gentleman seemed to have misunderstood what he had said, perhaps the House would allow him, considering the serious charges which the hon. Gentleman had made, to explain the nature of the operation to which he had referred. The hon. Gentleman said that the purchase of Exchequer bills recently made by the Savings Banks Commissioner was fictitious, that it was not a *bonâ fide* transaction, and that the Chancellor of the Exchequer had been occupied in "rigging" the market. He would explain in a few words the precise nature of the operation. The Savings Banks Commissioners were the holders of Exchequer bonds to the amount of £1,750,000: £2,000,000 of Exchequer bonds became due on the 13th of May last, and they were paid off when they became due. The consequence was that the Savings Banks Commissioners found themselves in the possession of about £1,800,000. It became necessary immediately to invest that sum. It was actual money paid into their hands. There was no question about varying the security or influencing the market by selling one species of stock to buy another. It was a simple investment of money in favour of the Savings Banks Commissioners. There were only two investments open to them—the one Consols and the other Exchequer bills. Looking at the state of the market, Exchequer bills being at a discount, and an advantageous security, it was determined to purchase Exchequer bills, and the hon. Member for Kendal (Mr. Glyn) had truly observed that any private banker, looking to his own interest, would invest in Exchequer bills rather than in Consols. The investments of the Commissioners became matters of notoriety; they were made by the Government broker, there was no concealment, they were simply advantageous investments of surplus money in their hands. These investments continued from the middle of May last until nearly the time fixed for the exchange of Exchequer bills, and incidentally there was this advantageous result, which he had distinctly contemplated, and which he was prepared to justify—that by raising the Exchequer bill market, by taking away the surplus Exchequer bills and diminishing the number sent in for exchange, so that it amounted only to £250,000, the necessity of raising the interest on the whole of the Exchequer bills was obviated. It was not possible to raise the interest on a part, and if it were raised only a halfpenny upon the whole it made a difference to the public of £150,000 a year. He maintained, in the most confident way, that the operation was advantageous to the savings banks and to the public, and perfectly justifiable on both those grounds.

Mr. SPOONER said, he was sure that his hon. and learned Friend the Member for Wallingford (Mr. Malins) did not intend to charge the right hon. Gentleman with having done anything improper. All that he meant to say was that *bonâ fide* holders of Exchequer bills were prevented sending in for payments by the operation of purchases on behalf of the Savings Banks Commissioners, and that when the time was past the price of Exchequer bills immediately began to fall.

The CHANCELLOR of the EXCHEQUER: The hon. Member said that was "fictitious."

Mr. SPOONER said, he was sure his hon. and learned Friend would at once withdraw that word. He (Mr. Spooner) agreed with what had fallen from the hon. Member for Kendal (Mr. Glyn), that the power of dealing with funds of this magnitude was too large a power to trust in any one hand, and he understood the right hon. the Chancellor of the Exchequer to wish to resign the discretion which the law gave him. Nothing could be more dangerous than for the public to imagine that the Chancellor of the Exchequer or the Government had the power to raise or depress the price of public securities just as they pleased, and he trusted that this discussion would lead to a consideration of the point—whether the power should not be withdrawn.

Mr. MALINS explained that what he really meant to say was, that purchases of Exchequer bills were made with the object of raising the value of those securities at a particular time—an object which the right hon. Gentleman, with that candour which always characterized him, had clearly avowed.

Mr. AYRTON expressed a doubt whether it was intended, when the law was made, that the Chancellor of the Exchequer should have this discretionary power, except to benefit the savings banks. The nation was not altogether the banker of the savings bank, because their only claim was, upon the particular fund in the hands of the Chancellor of the Exchequer, and anything which diminished that fund diminished their security. By operations like this the Savings Bank Fund had diminished in capital to the extent of £1,000,000. At present they might gain in income, but they lost in capital. If the funds rose, the interest of Exchequer bills would fall, and if the Commissioners had to invest in Consols they would not be able to do so at the price at which they sold out, and there would be a loss of capital.

The CHANCELLOR of the EXCHEQUER was understood to say, that the Savings Banks Commissioners investing in Exchequer bills might at any time fund the money in Consols at the price in the current quarter in which the investment in Exchequer bills was made.

Mr. AYRTON said, whatever the course of proceeding might have been, the result was that a deficit of £1,000,000 had fallen upon the savings banks. He hoped that this question would be gone into fully on a future occasion, and that a more satisfactory arrangement would be substituted for the present system.

CIVIL SERVICE SUPERANNUATIONS.

QUESTION.

MR. RICH said, he rose to bring under the notice of the House the Report of the Commissioners on the Superannuation Act, recommending an immediate increase of £70,000 a year to the salaries of the civil servants, with a prospective increase of £30,000 a year more.

THE CHANCELLOR OF THE EXCHEQUER said, he would appeal to the hon. Gentleman to postpone his remarks till the next day, when the Motion on the same subject of which the noble Lord opposite (Lord Naas) had given notice, would come on for discussion. He would suggest to the hon. Gentleman whether any advantage could be gained by an imperfect debate that night, and whether the time of the House would not be economized if the whole question were discussed on the noble Lord's Motion to-morrow.

MR. RICH said, he should have been most happy to yield to the request of the right hon. Gentleman, and also to the general feeling of the House; but his experience had shown him how extremely difficult it was at any time for a private Member like himself to obtain an opportunity for bringing forward a Motion. Moreover, the subject of the ballot stood on the paper for to-morrow, and would have the precedence of the Motion of the noble Lord opposite. They had a Reform Bill looming before them, and this would make many hon. Members anxious to express their opinions on the ballot; therefore the Motion of the noble Lord, if it came on at all, could only come on at a very late period of the evening. Besides, the noble Lord's Motion referred only to a single part of the wider question to which he (Mr. Rich) wished to address himself. He would not, however, trespass long on the attention of the House. On a question like the present, with regard to which there had been so much misrepresentation, he wished to elicit a distinct statement from the Government. It was important that the House should know on what fragile grounds the Commissioners appointed to investigate the subject of civil service superannuations based their recommendation for increasing the burdens of the tax-paying community. With respect to that recommendation three points of importance arose—first, as to the respect which was due to the Reports of Committees of that House; secondly, as to the stability and fixity of salaries and pensions in the civil service; and thirdly, as to the large and expanding demand it made on the taxpayers of the country. If the suggestions of the Commissioners were agreed to, before many years were over the civil service would absorb an additional quarter of a million per annum of the public revenue, or, in other words, it would be the same as if the Chancellor of the Exchequer were to raise a new loan of £6,000,000 or £7,000,000. The question of superannuation pensions was scarcely considered until the beginning of the present century; but, from the year 1803 down to 1834, it formed the subject of successive inquiries before Committees of this House, and the results were to be found in various Acts of Parliament and Treasury Minutes. On every occasion, except one, that it had been dealt with, the principle of a *quid pro quo,* in the shape of an abatement from the salary in one form or other, was insisted upon as the condition on which these pensions should be granted. The only instance in which that condition was set aside was in 1824, or, as it was called, "Prosperity year"—a period marked quite as strongly by great national prodigality as by great national wealth. A reaction, however, soon set in, and the principle of abatements in consideration of pensions was reaffirmed by the great Finance Committee of 1827, and effectually carried out by a Treasury Minute in 1829. This Minute referred to a superannuation fund, whereby much misapprehension has arisen. But when the main principles of this Minute were embodied by the reformed Parliament in the great Superannuation Act of 1834, no regard or provision whatever was made for a superannuation fund. By its provisions, the abatements went to the Treasury, that is to the public, and the pensions to the civil servants; and so it has continued to the present day. Under this Act all persons entering the civil service were previously to receive a distinct intimation of the abatement of salary to which they would be subject, together with the scale of pension to which after duly approved service they would be entitled. There was not, therefore, a particle of misdealing or concealment in the matter. This system continued in satisfactory operation for twenty years, when a change of opinion took place in regard to it. Now, it was essential that the House should know how that change had been brought about. In the early part of this century the persons who filled the public offices were men of high respectability, talent, energy, and application; but they were drawn from what, for want of a better term, might be called the middle class of gentlemen. Under the Government of the Duke of Wellington in 1827 a considerable reduction of sinecure places was effected, and in the three first years of the Reform Government still more reductions were effected. No less than 1,265 sinecure appointments, the incomes attached to which ranged from £100 to £1,200 a year, with an average of £226 each, were abolished. Other reforms of a similar nature followed, and what had been the consequence? The class of persons filling public offices had gradually undergone a considerable change. The holders of the sinecure situations which had been abolished were generally individuals highly connected, and exercised considerable social influence. Having lost the prospect of sinecures they began to seek employment in the civil service. But the older class to which I have referred still held by their seniority the higher places and salaries—and having entered the service prior to 1829 were also exempt from paying superannuation abatements. This not unnaturally excited the envy of the newer class, which each successive year increased in numbers and influence. An agitation was accordingly set on foot against the Abatement Society, official men and the press were all continuously canvassed, and by their connection with the agitators but too favourably disposed. Still all these resources would not have served their purpose, if by means of the increased war pressure of the income tax and the high price of provisions they had not got the great body of the subordinates in the civil service to join them. But with these they now formed a kind of association, with delegates from every office, and organized a succession of meetings, circulars, leading articles, and denunciations of the so-called robbery by abatements, which, continuing unanswered, produced an effect. When the Chancellor of the Exchequer succeeded to his present office he found that a Bill had been prepared by his predecessor for the alteration of certain rates of superannuation, that Bill, somewhat modified, he submitted to the House. It was referred to a Select Committee, on which sat the right hon. Gentleman himself, two ex-Chancellors of the Exchequer, and some other eminent men in the House. The Committee, having thoroughly investigated the subject, condemned the system of abatements, but they added that if the abatements were abolished there should not be an indiscriminate squandering of the public money by an increase of the salaries of those hitherto paying abatements, but that those salaries should be revised with due regard to the amount of abatement remitted. A Bill founded on the Report of the Committee was submitted to the House by the right hon. Gentleman the Chancellor of the Exchequer in the middle of July, and as objection was made to its being proceeded with at so late a period of the Session it was withdrawn, with a clear understanding that it was to be reintroduced the following Session. Strange to say, notwithstanding this understanding, and still more, notwithstanding the thorough investigation of the subject by the Chancellor of the Exchequer's own Committee, he himself, under some strange influence or delusion, actually nominated a Commission in September to reinvestigate the whole subject. The Commissioners found that it had been already exhausted. They called for few or no papers, and did not examine any witnesses. They made substantially four recommendations; first, that the abatements should cease; second, that the abatements should be put into the pockets of those who had paid them; third, that the retiring pensions should be increased, and also extended to certain other classes of public servants hitherto not entitled to pensions — fourth, that certain reductions of salaries should be effected on those who might hereafter enter or be promoted in the service. This fourth recommendation is a mere delusive bait to induce the public to swallow the barbed hooks of the first three. For the increased charges founded on those recommendations cannot be estimated at less than a quarter of a million, while the proposed savings by prospective reductions would necessarily be very small and of distant operation—nay of doubtful operation and continuance, for they go to create an anomalous distinction of salary, the abolition of which forms the staple of the Commissioners' Report. Their next ground was, that it appeared, from some of the evidence given before the Committee, that in revising salaries the revisors had not made a distinction between the salaries of those who contributed and those who did not contribute abatements, and that consequently an inequality of salary existed in the service. This is a sheer fallacy; for the salaries are substantially equal, the one being paid in full, that is without pension; the other being compounded of a large present payment and a small deferred payment in the form of a contingent pension. The Commissioners admit that present salaries are sufficiently high—nay, too high—for they actually recommend prospective reductions. Neither can they attach importance to the detection of anomalies, which they know must inevitably occur, and the creation of one of which, of an invidious kind, they themselves recommend. The real ground of their recommendation is to be found in their statement, that if these abatements were not given up the Government would be disappointing the expectations and damping the energies of a very important—they should have said importunate—body of public servants. Now, he contended that this was no fair ground upon which to throw away £100,000 a year of public money. The gentlemen with regard to whom this remission would take place formed a very small fraction of our public servants, and the Government should take care that while increasing their salaries they did not lay the foundations for further agitation by other members of the civil service to whom this increase of salary was not extended. Another consideration of importance was the insecurity which the public servants themselves would hereafter feel as to their salaries and pensions. Hitherto it had been the constant practice of Governments, representing all shades of opinion, to respect the actual salaries of public officers of a permanent character, and to make any changes attaching to such offices prospective only. Thus, for example, when the pay of the Secretaries to the Treasury was reduced from £2,500 to £2,000 a year, that of the Assistant Secretary was left at the former higher rate. According to the recommendation of the Commissioners, however, the salary of this official would now be virtually increased to £2,625 a year, and a proportionate increase would apply to the powerful fraction of our public servants so favoured by the Commissioners. Now this, he contended, would work very mischievously, and create a bad precedent. He reminded the House, that if this Parliament were to increase the salaries of the civil servants, it would be competent for another Parliament to reduce them. These were questions with which Parliament ought to be very chary of interference. On the whole, therefore, he suggested to the civil servants themselves, that the wisest course would be not to press the subject upon the attention of the House. In conclusion, he trusted that, unless his right hon. Friend could show some reason for setting aside the Resolutions of his own Committee, the House would do well to abide by them, and not be led away by the recommendations of a body which was not responsible to that House or the country.

Lord NAAS said, he did not rise to reply to the statements of the hon. Gentleman who had just sat down, although he believed that there was not one of them which was not capable of the most complete and ample refutation; but to complain of the hon. Member's conduct towards himself, and of the manner in which he had set at defiance all Parliamentary etiquette and usage. On the 5th of June, he (Lord Naas) gave notice that he should to-morrow bring this whole subject before the House; and four days afterwards, the hon. Gentleman gave notice that he should bring it on upon going into supply, thus forestalling the Motion which he (Lord Naas) was about to submit to the House. He certainly had always thought that, if there were one practice more rigidly adhered to in that House than another—indeed so rigidly adhered to as to have become almost a rule—it was that when one Member had taken up a subject, it was not competent for another Member to come in before him and so anticipate the discussion. If this practice were not to be observed in future, it would be impossible to discuss any question in that House with fairness. The hon. Member's speech, like his notice, had treated the question most unfairly. He had made an *ex parte* statement, which could not be answered, because the Chancellor of the Exchequer and the hon. Member for Southampton, who had been a Member of the Commission, had already spoken, and could not address the House again; but he (Lord Naas) hoped, that to-morrow the subject would assume a very different complexion.

Mr. LABOUCHERE said, he rose merely to express a hope that the House would not engage in a discussion upon the speech of his hon. Friend behind him, which afforded a strong proof of the inconvenience which the House sustained from Motion upon Motion being accumulated upon the question that the Speaker should leave the chair. The inconvenience was strikingly illustrated in the present instance, because the two hon. Members who were most entitled to be heard upon the subject had already spoken, and no reply, therefore, could be given to the observations of his hon. Friend. Besides, if they were to have a full discussion upon an important question of this nature, it would be hopeless to expect to get into Committee of Supply that evening. There might be circumstances under which it would be advisable to postpone going into Committee of Supply, but the present occasion was not one to justify such a course. The noble Lord opposite had given notice of a Motion on the subject for to-morrow, and under all the circumstances, he trusted that the House would not allow them to go into Committee.

Lord JOHN RUSSELL said, he did not wish to enter into the question at issue between his hon. Friend near him and the noble Lord, but he was sure that if his hon. Friend had found that the noble Lord's Motion stood first upon the notice paper for to-morrow, and that it would be certain to come on, he would not have interposed with his speech that evening. Supposing, however, that the Motion on the ballot which stood first for to-morrow should last a considerable time, and that the attention of the House should be so exhausted as to render it impossible to enter into a debate upon this important question, he (Lord J. Russell) hoped that the Government would no longer delay stating their views upon the subject. Whatever difference of opinion might exist on the question, the time was come when, after the investigations which had taken place, the Government should take a line, and pronounce themselves decidedly as to what they considered the right course to be taken in the matter. It was due both to the civil servants of the Crown and to the public, that some early decision should be come to; and without pressing the Government to name a particular day, he hoped that during the present week, or the beginning of next week, the Government would take an opportunity of making an express declaration upon the matter.

Motion *agreed to.*

Mr. Labouchere

SUPPLY—MISCELLANEOUS ESTIMATES.

House in Committee. Mr. FitzRoy in the Chair.

(1.) Motion made, and Question proposed, "That a sum, not exceeding £48,855, be granted to Her Majesty, to complete the sum necessary to defray the Expenses of the General Management of the Department of Science and Art, of the Schools throughout the Kingdom in connection with the Department, and the Geological Surveys of Great Britain and Ireland, &c., to the 31st day of March 1858."

Mr. W. EWART said, he wished to express his satisfaction at the separation of the Department of Science and Art from the control of the Board of Trade, which was not qualified to superintend it, and at its being placed under the Education Board. He did not see why the British Museum Estimates should not likewise be brought under the head of the Department of Science and Art, and he also thought that a statement should every year be submitted to the House, of all the acquisitions made in every branch of that excellent establishment. Among the items of expense, he observed one for the circulation of casts and examples of art to local museums. Some good, no doubt, was effected by that course of proceeding, but he thought it would be better to construct permanent galleries, in which those specimens of art might be constantly viewed by the people. He observed with satisfaction that a plan of circulating books to provincial schools of art, recommended by a Committee twenty years ago, had been adopted. There were certain books which the Government alone could publish, and it was wise to give the people the means of studying them. He trusted to see the jurisdiction of the Board of Education extended, and other departments connected with science and art brought under its control.

Mr. BLACK said, he did not mean to object to the support given to scientific institutions, but to point out the small amount of the sum awarded for this purpose to Scotland, compared with the amounts appropriated to England and Ireland. The Vote for England was £52,450, for Ireland £8,627, and for Scotland £7,510. In addition to this, the education Vote for England was £541,233, and for Ireland £213,000, whilst that for Scotland had not averaged £10,000 a year for the last twenty-two years; and, yet if the Scotch Members asked for one or two thousands for any scientific purpose in Scotland, there would be an immediate outcry that it was a Scotch job. He did not think Scotland, as compared with other parts of the United Kingdom, had fair play.

MR. BLACKBURN said, that he would be willing to remedy the inequality of which the hon. Member complained, not by increasing the grant to Scotland, but by reducing that for England and Ireland. It appeared from the Estimates, that all the schools of design in the empire were so mixed up with the department at Kensington, that it was impossible to separate the items. They might be very useful, but they seemed to be very expensive, and the same remark he applied to the department at Kensington. It would seem that seventy-five schools cost £277,500, or an average of £375 each, whilst the expenditure at Kensington was £15,000. Against the item of £6,198 for the Geological Museum in Jermyn-street, he had not a word to say, for he believed the museum was advantageous to the country. The next item was £5,172 for the geological survey in Great Britain and Ireland. Now, the other night the House decided, in the case of the Ordnance survey for Scotland, that the parties wanting the survey should pay for it; and if that rule were just, it ought to be acted upon in England and Ireland as well as in Scotland. The sum proposed to be voted for the Industrial Museum and Natural History Museum in Scotland was £1,888. The Natural History Museum was visited by 90,000 persons last year, to whom it was a source of amusement and instruction. The next items referred to the Royal Dublin Society, including Botanical and Zoological Gardens, the Museum of Irish Industry, and the Irish Normal Lace School, and for them about £11,000 were demanded, though last year the number of persons visiting the museum and exhibitions of the Royal Dublin Society was only 11,000. He thought the total Vote excessively high, and he should have no objection to see it struck out of the Estimates altogether, as the tendency of all these Government grants was, that the public money was jobbed without art being promoted. It was easy to get up and make a speech in favour of encouraging science and art, but he should like to know how far these schools had been successful in so doing, for he was not aware that any great engineer or painter had ever been created by Government grants of money.

MR. COWPER said, he should be happy to give an explanation of the Vote to the Committee which would, he trusted, convince them that it was a desirable one to be continued. The hon. Member who last spoke said that the Votes for the schools of science and art were mixed up with that for the establishment at South Kensington. The reason was, that the establishment at South Kensington had in purpose and in action a close connection with local schools. He would state shortly the exact manner in which this Vote of money, amounting, in the whole, to £73,855, would be expended. There were in the United Kingdom of England, Scotland, and Ireland, sixty-five schools of art. In 1856 those schools were attended by 12,337 students. At South Kensington there was a normal training school in which persons received instruction for the purpose of enabling them to become masters in schools of art, or to teach drawing in the elementary and parochial schools. In that establishment 106 teachers and 405 students had been trained, and of those students twenty-one had received appointments as masters. It was required that each local school of art should have in connection with it at least five parochial or other elementary schools in which drawing should be taught. At present elementary instruction of this description was received by 22,746 children of the working classes, and the benefits of this expenditure were therefore very widely diffused. The schools were, for the most part, self-supporting; they were established locally, and not by the Government, in towns where the inhabitants were desirous that art instruction should be afforded to the labouring classes; they were managed by local committees, and aid was only given in proportion to their efficiency and the success of their pupils in obtaining prizes by public competition. An hon. Gentleman opposite (Mr. Blackburn) had asked of what use these schools of art were, and had observed that no expenditure of public money had ever produced an artist. In reply to that observation he (Mr. Cowper) begged to say that this grant was not applied to education in the higher branches of art, but to elementary instruction in ornamental art. It was to lead the working classes to appreciate symmetry of form and harmony of colour, and to acquire some facility of drawing and modelling. It was to impart to workmen skill and good taste, and a knowledge of science and art in their application to productive industry. The hon. Gentleman was very probably aware that this Vote was mainly a consequence of the experience the country had gained during the Exhibition of 1851. Previously to that period, as was well known to those who had inquired into the matter, the workmen of Great Britain, whatever might be their skill, their industry, and their powers of labour, were greatly deficient in point of taste as compared with the artizans of other countries. The Exhibition of 1851 brought out so clearly and palpably the fact of the inferiority of British productions in beauty of design, harmony of colour, and grace of outline, as to lead to the trial of a remedy. Another fact which the Exhibition of 1851 tended to bring directly under public notice was that the country which furnished the most elegant and tasteful designs was that in which there had been the greatest interference on the part of the State with regard to art instruction. It was seen that in France the various measures which had been taken by the Government to promote art education had been attended with signal success. It was not in vain that the great Colbert, in the reign of Louis XIV., established the Royal manufactory of Gobelin tapestry, or that the Royal carpet factory at Tournay, and the national porcelain manufactory at Sevres had been fostered. The result of the care taken by successive Monarchs and Ministers for the cultivation and improvement of working people was, that France had become the supreme arbiter in artistic manufacture, and had set an example which all other nations endeavoured to follow. There was no innate inferiority on the part of the English workmen as compared with the French, but their inferiority was attributable to the want of art training, and of opportunities of studying good models. It was in order to remedy this defect that soon after the Exhibition of 1851 the Department of Science and Art was founded, and if he were asked for proof of its having been of use, he would point to the Exhibition at Paris in 1855, where the progress that had been made in English productions during the previous four years was most strikingly apparent. The Parisians excelled the artizans of perhaps all other towns in the manufacture of ornamental furniture, but some of the productions from London in that department of manufacture might even vie with those of Paris, and it was admitted that the cabinets sent by Messrs. Jackson and Graham were in execution and design equal to that of the French. It was also evident that considerable progress had been made in Sheffield ware, but the greatest triumph, perhaps, had been achieved in the manufacture of porcelain and earthenware. It was curious to contrast the present condition of that manufacture with the statements made respecting it in the evidence given before the Committee of 1836, over which the hon. Member for Dumfries (Mr. Ewart) presided. Complaints were then made that the art of painting on porcelain was at the lowest state, in consequence of a want of knowledge of drawing among the working people; and the neglect of design was such that at Worcester young men were employed in copying models so out of drawing that the more faithfully they adhered to the originals the worse it would be for the manufacturers, and the less would be the chance of finding a market for their productions. At this moment, however, the English porcelain manufacture was preeminent in Europe, and he had had the opportunity of asking one of the most eminent manufacturers, Mr. Minton, whether any benefit had resulted to that branch of industry from the establishment of schools of art. Mr. Minton stated that all his best workmen, both modellers and painters, had been educated in schools of art, and that some of those who had originally been educated in France had been improved by the opportunities they had had of attending the schools of art established in the potteries. He (Mr. Cowper) believed it would be found on inquiry that similar advantages had been derived in all the chief branches of manufacture to which any considerable amount of art could be applied. He had no doubt it would be found that the best modellers employed in the iron trade at Sheffield, and the best designs of carpets at Kidderminster and Paisley, had acquired in the schools of art the skill and taste which they displayed. These institutions were now fairly launched, and he hoped the workmen of this country would no longer be behind those of other nations in the expression of taste. He knew that very eminent persons in France, who occupied positions which enabled them to form an accurate judgment on the subject, had declared that the extraordinary improvements in the manufacture of silk in this country gave them great alarm as to the effect of the competition of the English silk trade with that of France. With regard to the Museum at Kensington, which the hon. Gentleman seemed to think was too costly, it must be remembered that that institution not only contained within its walls numerous objects of art which were to remain there permanently, but that it was also the receptacle for objects of art which were intended to be circulated throughout the country, and exhibited for a time in the various towns in which local museums might be established. Specimens of porcelain and earthenware would be sent to towns where those branches of manufacture existed; specimens of metal work would be sent to Sheffield and Birmingham; and objects of ancient and modern art, from which the working classes were likely to derive instruction and advantage, and which were calculated to stimulate inventive genius, would be sent in turn to various places throughout the country. A general interest in the arts of colouring and design would be thus created, and he believed the revival of the manufacture of majolica was mainly owing to the fact, that Mr. Minton was asked to make some specimens of coloured pottery in order that the students in the central school of science and art might copy them in painting. For this purpose Mr. Minton made experiments which led to the manufacture of those beautiful objects which had done him so much credit and added so considerably to his reputation. One advance led to another, and to foresee the results which might follow from the extension of a taste for science and art. The library which was to form part of the Museum would contain all the best works upon art which were likely to be useful to designers and manufacturers, and those books would be lent to the local schools and museums. A certain number of books would also be given as prizes to the local schools. He thought that so far from the Estimates being excessive, there was rather reason for surprise that such extensive advantages were obtained for the country at so small an outlay. Some complaint had been made of the amount required for the Museum in Scotland. In Scotland there was only one industrial museum, which included a museum of natural history, which was included in the present estimate; but it had been determined to purchase a piece of land for the purpose of erecting upon it a national museum, and a supplementary estimate would be laid before Parliament for that purpose, so that he did not think the hon. Member for Edinburgh (Mr. Black), had any cause for complaint. Ireland had been more fortunate, because she had more of those industrial establishments. Of those institutions there were two not included in the present Vote—the Irish Academy, and the Hibernian Academy of Painting, Sculpture, and Architecture—and they had not been included because they were not considered to be directly connected with industrial art, and they had therefore been placed in distinct Votes. With regard to the institutions included in the Vote, they were the Royal Dublin Society, which included the Botanic Gardens and Zoological Gardens, the Normal Lace School, and the Museum of Irish Industry, and the sum proposed to be voted for those establishments in Ireland amounted to about £13,000, so that Ireland could not complain. He had, he believed, now gone through most of the items of the Vote, and he would not trespass further upon the attention of the Committee.

Lord ELCHO said, that he heartily concurred in every word which had fallen from the right hon. Gentleman, for he felt confident that these schools of art had been of great advantage in promoting good designing. Any person who had turned his attention to the subject, even in so small a matter as furnishing a house, must have noticed a great improvement of late years in the patterns of carpets, wall paper, curtains, and all those common articles which were used for that purpose, and when such a man as Mr. Minton said that he got his best designs from these schools, that, no doubt, was an exceedingly gratifying fact. That improvement had been concurrent with the progress of the institution at Marlborough House, which had been founded on the Report of a Commission presided over by the hon. Member for Dumfries, and there was no reason to doubt that it had not only been concurrent with it, but had proceeded from it. Although, however, he concurred in the observations of the right hon. Gentleman, there were one or two remarks which he wished to offer to the Committee. If the right hon. Gentleman would look over the heads of Vote 4, he would find an item of £300 a year for a paleontologist, and also an item for an assistant paleontologist at the British Museum. Now, neither Ireland nor Scotland had a paleontologist, and if one was good for England, why should not Ireland and Scotland have one too? With regard to the school of science and the Geological Museum in Jermyn Street, that institution was founded for the purposes of showing various mineral productions of the earth which might be used for manufactures, and there was likewise to be attached a laboratory for the purpose of analysis, so that if any gentleman found a mineral upon his estate which he did not understand, he might send it to be analyzed. It was clear that there ought to be a laboratory for analysis, and against that he had nothing to say. But he had that day paid a visit to that establishment, and he had found in it not only more minerals, but all sorts of mediæval curiosities, specimens of pottery and of works in glass, a bust of the Queen, a portrait in mosaic of the Emperor of Russia, and, in short, nearly all kinds of articles which human ingenuity formed out of the raw products of the earth. He certainly did not think that those articles were in what could be regarded as a fitting repository at the Geological Museum. At the British Museum there was also a large geological and mineral collection, so that there were two institutions concurrently spending the public money upon the same object, and perhaps endeavouring to outrival each other. Then, again, there were three institutions which had museums of china, ancient and modern, and mediæval, of glass, of earthenware, and articles of that description—the one in Jermyn Street, the one at Kensington, and the British Museum; all buying against each other. It was the old story of the suit of armour which had been sold at an enormous price, on account of two Government departments bidding against each other for its possession. Now, would it not be desirable to alter such an arrangement, and to combine things of a like nature in the same institution? To do so would save expense, and would, for purposes of instruction, be much more advantageous; while at the same time a museum would be formed worthy of the nation. He thought the most practical way to go to work would be to remove to Jermyn Street all the mineralogical and geological specimens now in the British Museum, and to collect at Kensington all objects of mediæval art now at Jermyn Street and the British Museum. There was one other point to which he wished to refer, and that was the Sheepshanks' collection, now housed at what were called the Brompton Boilers. He thought that, whatever advantages that particular locality might possess, the Government had at least been premature in making that erection, pending the discussion of the Royal Commissioners upon the site for the National Gallery. Mr. Sheepshanks, who had formed one of the most beautiful collection of pictures, perhaps, ever collected by a private person, had—a thing which he believed was unprecedented—presented them to the nation in his lifetime. [Mr. BERESFORD HOPE said, Mr. Vernon did the same.] But he had done so upon a condition that they should be kept at Brompton, for fear that they might suffer from the smoke of London. Now, he thought that the Government might have waited for the decision of the Commission before erecting that building. The Commission might have reported, as in fact they had done, that pictures were not spoiled by the smoke, or that there were men who could provide practical remedies against such a contingency, and Mr. Sheepshanks might have been induced to alter the condition which he had attached to the gift, and to consent to the pictures being placed with the other pictures in the National Gallery. If he had done so, all the national pictures would be collected in one place, instead of being divided amongst Brompton, Marlborough House, and Trafalgar Square. He doubted whether it was always desirable to accept gifts on such conditions, because one gentleman might give a collection with a desire that it should be placed in Battersea Park, another in Victoria Park, and a third in Finsbury Park, and the result of building galleries in each of these places would be greatly to multiply expenses without the production of so good an effect as would result from the combination of all the collections in one building.

MR. DILLWYN said, he quite agreed with the noble Lord as to the desirability of uniting all similar collections in one museum. From possessing some slight knowledge of geology, he was ready to defend the connection of paleontologists—persons who were conversant with fossil remains—with the geological museum, and he wished to express his regret that there were no similar officers attached to the museums of Ireland and Scotland. Without this science, it was impossible to identify stratification, to find out where lodes lay, and so forth. [*A laugh.*] Hon. Members might laugh, but he knew of nothing ridiculous in the science except its long name. With regard to the Estimate for the Kensington Gore Museum, he thought that some scrutiny was needed. In 1855, the House was asked to vote £15,000 for the erection of a corrugated iron building, which it was said could easily be removed without loss of value, and which it was always said was to be only a temporary erection. This year the whole amount of the Estimate was £46,251 14*s*., which might be thus divided—salaries, wages, &c. £12,601 14*s*.; aids to schools, £22,500; the Sheepshanks gallery, £4,700; miscellaneous items, £6,450. Some of the salaries appeared very extravagant. The chief paleontologist, who must of course be a man of considerable education, had, indeed, only £300. On the other hand, the assistant secretary had £675, and the inspector for science and art, £450. Comparatively, the principal officers of the British Museum were paid lower salaries than those of the Museum at Kensington. Mr. Panizzi, the principal librarian of the British Museum, had £1,000 a year; Mr. Hawkins, the chief medallist, who was acknowledged by every one to be a very superior man, had £600 a year; Professor Owen, one of the most distinguished men of the present day in his own line, had £800 a year, and was obliged to deliver lectures. At Kensington, the secretary for general management had £1,000 a year, and the inspector general, Dr. Lyon Playfair, the same amount. The subordinate officers seemed to be very highly paid, the assistant secretary getting £675 a year, and the accountant £250, while there were various clerks who were paid much smaller salaries. He believed that the subordinate curators of the British Museum—men of great learning and acquirements—received on the average about £300 a year. At Kensington, the art superintendent, Mr. Redgrave, a man of acknowledged ability, got £500. He also wished to know what were the duties of the inspector of science and art, and whether a gentleman competent to form a judgment upon matters of art was equally competent to give an opinion upon matters of science. Yet for that office they paid £450, and it was held by a gentleman of whom, whatever might be his attainments—and no doubt they were great—he confessed that he had never heard. He thought these situations should be given to persons of known ability, and who had made themselves a name, otherwise the nation had no guarantee that the duties would be properly discharged, and that bad art would not sometimes be foisted on the country. Some things which had come out of this school—the hearse of the Duke of Wellington, for instance—were, in his opinion, specimens of very bad art. He had always heard the Kensington Gore Museum spoken of as a sort of loadstone to draw the National Gallery there, but he rejoiced that that scheme had failed, and that a collection which ought to be the glory of the nation was to be retained in a central position. He could not, however, but look upon our annual expenditure under this head as very extravagant; and with respect to Gore House, the charges were extremely high as compared with the British Museum. While the sum of £926 only was charged for general attendance at the latter place, no less than £3,100 was charged under the same head at Kensington Gore. As it had been understood that the Vote of last year was to be a temporary one, and as it appeared uncertain what was to be done, he thought it would be best to keep down the expense to the amount at which it stood last year, with the exception of the increase on account of the Sheepshanks' Gallery, which must be incurred in order to keep up faith with Mr. Sheepshanks. The increase in the Vote under consideration being £8,468, he proposed to reduce the Vote by £3,768.

Motion made, and Question proposed, "That a sum, not exceeding £45,087, be granted to Her Majesty, to complete the sum necessary to defray the Expenses of the General Management of the Department of Science and Art, of the Schools throughout the Kingdom in connection with the Department, and of the Geological Surveys of Great Britain and Ireland, &c., to the 31st day of March 1858."

MR. SPOONER said, he should vote for the reduction proposed by the hon. Member (Mr. Dillwyn), but at the same time he was prepared to carry the reduction still further, and to move that the whole Vote be reduced to the sum voted last year. He would remind the Committee how this Vote for the department of science and art had gone on increasing during the last ten years. In 1847–8, it was £6,219; in the next year, £7,558; in the next year, £13,600, or nearly double what it was in the previous one; in the next, £11,000; the next, £16,200; the next, £15,000; the next, £20,000 odd; and in the year 1855–6, it had increased to the enormous sum of £73,516. In other words, it had risen from £6,219, in 1847–8, to £73,516 in 1855–6; last year the sum voted was £59,000; and now they were going to vote for the present year no less than £73,855. He asked the Committee seriously whether they were going to vote that large sum of money without any check whatever being imposed on its expenditure? It was in vain that they found fault with jobs—and there was jobbing going on everywhere; the only practical good to arise from these debates was to say that the money should not go. It had been properly asked who was benefited by the geological department. It was for the owners of estates to defray the expense of surveys, and not the general public. They had three rival museums, and they were all bidding against each other for the same object. They had got, for instance, the Geological Museum, in Germyn Street, and there they found portraits of the Emperor of Russia, bad busts, old crockery, and broken china. Now, science and art were very useful; he did not disparage some things within their category; but the Government must recollect that the bulk of the money required for this large Vote was paid by a class of the community whose prospect of receiving any advantage from it was very remote, and that there was a strong feeling abroad that the money voted in that House was much more for the amusement of its Members, for the instruction of persons who ought to instruct themselves, than of the class who really needed instruction in that way, and especially that it went to promote certain fancies which—he hoped it was not unconstitutional to say it—had their origin in high quarters, and which he believed the Government themselves would be glad to see receive a check. Be that as it might, the time had arrived when the enormous and still increasing expenditure under these heads should be put a stop to; and he should therefore move that the whole Estimate be reduced to such an extent as to bring it within the amount voted last year, which was £59,000. [*Cries of* "No, no, £64,000!"] He held in his hand the document issued by the Treasury in accordance with his Motion for a Return, and by that document he found that the exact sum for last year was £58,526, giving, however, the Government the benefit of the odd pounds. He should move that

the present Vote be reduced to £34,000, which with the £25,000 voted on account would make up the whole sum of £59,000.

MR. BERESFORD HOPE:—Sir, I cannot refrain from expressing the deep regret I felt at hearing the Motion of the hon. Member near me (Mr. Dillwyn), and if possible, the still deeper regret with which I heard the Motion of the hon. Member for North Warwickshire (Mr. Spooner). I regret it because, if, at this early stage of the proceedings of the Committee this evening, and with so thin an attendance of Members on both sides, it should so happen, not only unfortunately for the credit of the hon. Member for North Warwickshire himself, but still more unfortunately for the credit of this House, that his Amendment should be carried, the result would be that it would go forth to the public of these kingdoms, to the public of the whole of Europe, and, in fact, to the whole of the civilized world, that this nation, which has taken credit to itself for higher pretensions than almost any other, to be regarded as the special patron of art and civilization, had, by its approval of this Amendment, displayed a niggardly and blind determination to check that growing desire of the people for the further development of taste for works of the refined and the beautiful, which the great Creator of the Universe had, for his own wise and beneficent purpose, implanted in the breasts of his creatures. Let me also ask the two hon. Members who have proposed those Amendments, if they have taken into consideration the particular moment at which they have brought them forward? What is the occasion they have taken advantage for the purpose? Why, the very night on which our most gracious Sovereign would be on Her way to honour with a visit the second city of Her Empire —the great centre of our vast manufacturing industry—to inaugurate and grace by Her presence the most magnificent, valuable, and novel collection of the treasures of the arts, civilization, refinement, and philanthropy of every age and nation that the world ever witnessed, brought together by the unsurpassed energy of the intelligent and wealthy merchants and inhabitants of that great commercial and manufacturing city, and exhibited in a building which is in itself a work of art—a collection which will reflect everlasting credit and honour on the people of that town, and be a practical proof that, as in the days of the past greatness of Venice and Genoa, arts, trade, and commerce went hand in hand. I say then that I am utterly at a loss to understand why it is that my hon., and if he will allow me to add, my paleontological, Friend has chosen a night so inopportune as this for his Amendment, and I certainly cannot bring myself to believe that he will either press his Motion to a division, or that this Committee will mark it with the sanction of their approval. At the same time I wish it to be distinctly understood that while I feel bound to oppose the Amendment, it is not to be inferred that I endorse the whole of the arrangements which call for this Vote as deserving to be characterized as remarkable for absolute wisdom. Such has not been always exhibited by the manner in which the large sums of money have been expended that have been voted under this particular head—particularly with regard to the arrangements made at Kensington. And here I may take the opportunity of observing that I quite concur in the observations of my noble Friend (Lord Elcho), who, I think, has very happily laid his finger on the real and great blot of these proceedings in his allusion to the almost useless multiplication of collections or museums which has of late characterized what may be designated as the Young Art Movement in this country. I am also quite certain, with regard to the societies which have sent their collections to Kensington Gore, that their feelings were far from favourable to the change that has taken place. I have the honour of being one of the trustees of the Architectural Museum which a few months ago was established in Cannon Row, Westminster. The premises it occupied there were homely and inconvenient, but the situation was central and desirable. They were, however, destined soon to be carried away by the great demolition of property which is to take place in that part of the town to make way for the public offices, and so the Architectural Museum was offered room in the building at Kensington Gore. But since it has gone there, the step has only been a source of regret and mortification, the public are furious and the committee can say nothing. With the best intentions they have taken a most unpopular step. The whole history of this Kensington Museum shows how very foolish it is to act first and think afterwards. Some time ago there was a large surplus from the Exhibition of 1851. Lady Blessington was gone, Gore House for sale, Brompton Park in the market, and nursery grounds to be bought; what then could be so fine as to buy a large site and establish close to Rotten Row a permanent museum for all art and science? Accordingly a first instalment arose in the shape of that edifice, whose irreverent name I will not repeat. Then the National Gallery was to go to Brompton; but it has not gone there, and is not going, and the Educational Museum is now left alone in its glory. As a commencement collections were brought together; and what is the spectacle which that Museum presents? In one department are to be seen magnificent carvings and costly chasings, and in the next there is a collection of salts, alkalis, &c. in neat glass bottles, stoppered and labelled. In one place they were in the Hotel de Cluny; a few yards distant, they were in an apothecary's shop. It is, no doubt, highly desirable to see organic substances, such as nature has made them, and likewise those organic substances manipulated by the taste and ingenuity of man. But exceeding refinement defeats itself by its own artificialness. Art occupies a place for itself in the mind of man, and attempts to combine collections of art and science must always fail. In the British Museum there is an incipient collection of renaissance and mediæval art—two branches which were formerly much neglected, almost unknown—but which are now rising every day in price and estimation. When the Government had money in their hands common sense should have led them to expend it in increasing that existing collection instead of forming a new museum. We had had, however, the old story in England, two small and imperfect collections instead of one large one. The Bernal Collection came into the market and proved that those branches of art which the fastidious ignorance of a former generation had put aside as worthless and barbarous, had grown in estimation; and it would have been only an act of common sense if the Government had devoted the art money in its hands to the augmentation of the British Museum. But, on the contrary, the Educational department of the Privy Council, with the best intentions, went into the field, outbid the Museum, and swept away the best specimens, which are now in honourable exile down at Brompton. The Government might have had one fine collection, but the result has been, that there are now two, and neither of them can be said to be complete or perfect. With regard to the use of the Kensington Museum as a school of design, let us have schools of design by all means, but originals are not required for that purpose; plaster casts and coloured models will suffice, and can be obtained at a small expense, while the matchless originals might be collected in one National Museum, which should be known as the British Museum. I do not particularly mean the building near Russell Square, but one where these magnificent specimens of Ninevite, Egyptian, Grecian, and mediæval art might be brought together, exceeding in magnificence the boasted possession of the Palace of the Louvre. Then as to the School of Design, that was at present at Brompton; well, let it be left there if you please, but I must be allowed to say, that there is want of common sense in putting it there, for the students are, for the most part, poor, and so the sixpence which many of them have to pay in going to and fro in an omnibus is a serious matter to them. This may be remedied by removing the school to the garden at Burlington House; as I took occasion, on a former discussion, to point out. That garden is at present useless, and the museum may be removed there at no greater expense than cutting down the elm trees, and shifting the iron shed, which bore the euphonious name of "South Kensington." One word more with regard to the British Museum. That institution is still too much governed upon old-fashioned principles, and hampered by the ceremony, and the conditions of the last century, when a school of design was utterly unknown and unthought of. Let that, however, be reformed on liberal principles, let art students be admitted on the closed days, and let them have the Bernal Collection, as well as the objects of art now in the museum, and thus will the object of this Vote be carried out far more effectually than it could be by any system of half measures and patching. The House may rely upon it that the time will come when the library of the British Museum will require the whole of the building, and then what can be done for the Museum will prove a difficulty not easy to solve; but instead of various miscellaneous collections, I wish to see those of art and those of each class all brought together into one place! And I am sure that this country is so rich in art treasures, that when seen together in one collection it will tell its own story. Now, with regard to the pictures, there is the Turner Collection at Marlboro' House, and the Sheepshanks at Kensington, whither Mr. Sheepshanks desired to have it moved, and there to be kept in a fire-proof room. However, as that gentleman is still, I am happy to say, alive, I will only say, that the man who had the heart to give the nation such a collection would, I am convinced, have the head to perceive the enhanced value which would be given to our art treasures if they were all collected in one suitable building. With regard to the Turner bequest, Turner only stated in his will, that his pictures should be kept separate, which might be done if there were a National Gallery of proper dimensions; but until there is such a gallery, the House may rest assured that collectors will say, "We will not leave our pictures to undergo the indignity to which at first Mr. Vernon's were submitted, of being placed in a cellar." For my own part, I am still in favour of that plan of a gallery which I recommended in my evidence before the Commission, to be built in the inner circle of the Regent's Park. However, it was not adopted, no doubt for sufficient reasons, and so we must fall back on the site at Trafalgar Square. But, then again, I am almost afraid that even if we include the barracks and the workhouse within the sweep of the building, still the space afforded in such a populous neighbourhood as that of Trafalgar Square would prove insufficient. The proposal I laid before the Commission with regard to a gallery in the Regent's Park was, that it should stand within the inner circle, a space which has a diameter of 1,000 feet, and that it should be of a circular form, with radiating galleries opening on the grand central Hall, which should be crowned by a dome, which might rival those of St. Peters and Florence—the whole surrounded with water, trees, and gardens. That proposal was not accepted, and we must fall back upon the site of the present National Gallery. But the costliness of the locality must not be made an excuse for some miserable, petty, contemptible structure, as unworthy of the reign of Queen Victoria, as the present was unworthy of the reign of William IV. We must do something more. We must treat science and art as a great department of the State, and in order to do that effectually and creditably to ourselves as a great nation, we must build wisely, nobly, and liberally. But, above all things, I say, let us have no more additional museums or schools of art, but amalgamate them, and have a national collection of all departments of art in a building worthy of the contents and of the capital, and let us in that building leave space for additional contributions; and let us also have that building in a central place, so as to be easily accessible to every class of society from the highest to the very humblest members of the community. Up to the present time, we have not done anything of that sort. Well, let us do it now. A great deal has been said about the appointment of a minister of education; but we must leave him to attend to the poor children in the lanes and alleys of our great cities, and to the training them in the first principles of morality, honesty, and the love of God and man. Having done that, let us have at the head of the science and art department a Minister of State, who shall be responsible as well for the public buildings as for their contents; responsible for the National Gallery, the British Museum, the Royal Academy, the Public Collections, and, in fact, for everything that has relation to the advancement of the fine arts and of science. But until such an appointment shall have been made, the Government of the country must be responsible for public buildings — they must be responsible for Sir C. Barry's designs — they must be responsible for the bills of the future architects of the public offices—for the National Gallery, both building and pictures—for the British Museum—for the collections at Brompton—for the Royal Academy, and for the Royal Society. Let us act so that it can no longer be said that the management of those great institutions should be remarkable for jobbing and extravagance, and by their hurried debates in a thin house in the hot days of June.

Mr. NAPIER said, the hon. Gentleman opposite had made a very eloquent address, telling them what in his view should be done, but he had not said anything with regard to particular items. Though he Mr. Napier was not so romantic as the hon. Gentleman, still he was in favour of affording the working classes all possible opportunities of taking advantage of institutions of art and science. He knew that in Ireland the establishment of schools of design, and the fostering care which Lord Clarendon had extended to the Arts, had been productive of the greatest benefit. Looking at the Vote as a whole, he thought it a very fair Vote, considering the prosperous state in which the country was at the present moment, and he should certainly give it his cordial support.

Mr. JOHN LOCKE said, he was afraid that the closing observations of the hon. Member for Maidstone (Mr. B. Hope) were rather in favour of the view of the hon. Member for North Warwickshire (Mr. Spooner) although he had commenced by expressing his hope that the House of Commons would not, especially on this night, when Her Majesty was on Her way to the Art Treasures Exhibition, agree to a Vote which would be disgraceful to it and to the nation at large. His object in rising was, however, not so much to speak to the Vote before the Committee, as to say a word on behalf of the people out of whose pockets these Votes would be defrayed, and for whose benefit, ostensibly, they were intended. Representing as he did a large metropolitan constituency, he felt it his duty upon this the first opportunity to state his views upon the subject to which he was about to refer. The people of this metropolis, the working class, had this complaint to make—that whatever sum of money the House chose to vote they derived no benefit from it; that they had no opportunity of viewing those collections to which they by the taxes they paid contributed. He had had opportunities of seeing them engaged in their labours, most arduous labours, from morning to night, during every day of the week, and thus whilst large sums of money were voted for the National Gallery and the British Museum, they had no opportunity of setting foot within those buildings. He was going to say that which would be extremely disagreeable to many who were his constituents, but he believed it to be just. He would say, that if the working classes had not an opportunity of visiting those places on a week day, they ought to have the opportunity of visiting them on the Sunday. There could be no objection whatever, on the contrary, it would indeed be a great benefit to the community at large if such an opportunity of visiting these two places were extended to them. As matters stood they had no means of recreation on the Sunday except by going out of town—an amusement to persons in their situation too costly to be frequently enjoyed. And in the winter even that was impracticable. Surely they might go to church or to chapel, and he for one was most anxious that a visit to a place of worship should occupy a portion of a working man's Sunday. But they could not be at church the whole of Sunday—it was more than mortal man could endure, for, however strong religious feeling might be, relaxation was required in respect to church and chapel, as in everything else. In point of fact their Sundays were to a great extent chiefly spent in the public-house, to the detriment of their pockets, their health, their morals, and their domestic happiness. By throwing open the institutions to which he had referred a wholesome means of recreation would be afforded, and this might be done at such hours as would not interfere with attendance at a place of worship. Certainly it was but a manifest act of justice that means should be given for enabling those who paid for such places to visit them.

MR. CONINGHAM said, he was far from wishing to oppose a Vote of money for purposes of art or for the purpose of instructing the working classes in the principles of design; but he maintained that the large sums which were about to be voted for maintaining museums of insignificant and heterogeneous objects were a mere waste of money. The Vote for the Kensington Museum began by £15,000, and it would go on to hundreds of thousands, and perhaps millions, unless a stop was put to this system of expenditure. The noble Lord who spoke early in the debate pointed out a most objectionable scheme which had crept into this system, that of establishing three distinct national galleries. This, of course, entailed three different systems of expenditure. The National Gallery which was at the top of Trafalgar Square, which he maintained was the proper site for a National Gallery, was amply sufficient for the purposes for which it was built, if the whole of it were given up to the nation. The Royal Academy had been allowed to occupy half the building, and not many years ago a distinct pledge was given by the noble Lord the Member for London that the Royal Academy should find a site for itself. That pledge had never been carried out, and it now seemed as if the Royal Academy was endeavouring not only to occupy that part of the building which it already possessed, but by a system of underhand intrigue to oust the nation from the other half. The Government ought to give the Royal Academy notice to quit. If there was to be any removal to Kensington, it ought to be the Royal Academy which should be removed, for the people who frequented those exhibitions were quite able to pay the cost of getting there; whereas the removal of those model works, which were the true models for people to study, and not the works of modern artists, as was now assumed, would be an injury to those who really desired to study the fine arts. It was by studying the great sculptures that had come down to us from antiquity, or, where these could not be found, by substituting casts, as at the Crystal Palace, and not by the establishment of rubbishy museums containing an *omnium gatherum* of the auction rooms of London and the trash of the old picture dealers, that they could hope to obtain a true knowledge of art. The history of these establishments remained to be written, but it was high time that the Teutonic element should no longer exist in our galleries of art. Whence came the system of "restoration," as it was called, the redaubing of the masterpieces of the great artists of the past? It came from Berlin, and was brought here by Dr. Gustavus Waagen, who was honoured with the patronage of a distinguished person. He hoped the Minister for Education would not think he was making an attack on him. He listened the other evening with great pleasure to the observations which he addressed to the House, and he believed he was actuated by a desire to promote the study of the fine arts, but he (Mr. Coningham) begged to caution him against a system of which we were now only on the threshold, and to enter his protest against a further pursuance of that system. He did not think the present was an opportune moment for entering into a discussion of the management of the National Gallery, but he would say that so long as that system of management was continued, so long as the Royal Academy hung as an incubus on the energies of the artists of this country, so long would the arts be in a decadent state among us. It was a mistake to imagine that it was by State or Royal patronage that true artists had ever been produced in the world. The great artists who had appeared in past times rose when the nations from whence they sprang enjoyed liberty and freedom, and when literature and science also reached the highest pitch of excellence; and he was convinced that any attempt to foster an inferior kind of art, such as our present system was calculated to encourage, would only terminate in failure.

MR. COWPER said, he wished to remind the House that the present Vote had no connection with the subject of the National Gallery. Some confusion of ideas seemed also to prevail with reference to the Museum at South Kensington, as if it was entirely devoted to the fine arts, but it was more intended for instruction in the arts and sciences that applied to productive industry. Its object was to exhibit articles for the improvement of the taste of the artificers and the purchasers. The hon. and learned Member for Southwark (Mr. John Locke) said working men could not attend the national collections, but one of the rules of the Museum to which he now referred was that it should be open two evenings in the week from seven to ten, so that working men might attend it after their day's work. Already no fewer than 13,000 visitors had taken advantage of the opportunity thus offered them, and he had no doubt that, especially in the winter time, it would become the resort of great numbers of the working classes. Kensington Gore was at least as central as Regent's Park, though certainly it was not so near as Charing Cross. Every effort had been made to display valuable collections hitherto concealed. As an instance of the necessity for some such exhibition he might mention that lately a search was made for valuable and curious machines in the possession of the Ordnance Department. These machines had been left in a lumber-room, and through negligence had been broken up. Now, however, no such loss could take place, for curiosities like these could be secured in the Museum. The salaries referred to by the hon. Member (Mr. Dillwyn) were not so high as the corresponding salaries in the British Museum. In reality, they were remarkably low; but the hon. Gentleman not only found fault with their salaries, but, thought to add mockery to insult, by saying that the department designed the funeral car of the Duke of Wellington. He did not know whether the designing or the framing of the car could be attributed to them. [An hon. MEMBER: They designed it.] Well, all he would say was that the design adopted was better than the others that were proposed. The noble Lord (Lord Elcho) objected to the appointment of a paleontologist for the geographical survey of Great Britain; but he must say, that from the time when Mr. Smith wrote his book on strata down to the present moment, he had never heard of any one who was capable of expressing an opinion on the subject who did not admit the value of paleontology as a test and indication of strata. In the United States, where they were not very ready in spending their money on doubtful matters, the science of paleontology was paid by more than one State. In New York several quarto volumes had been published on this science at the public expense, because it promoted mineral knowledge. That an hon. Member for Warwickshire, who might be expected to desire the fullest development of the mineral resources of the country, should oppose a Vote for mineral surveys was what no one could ever have expected. Owners of land which might be rich in minerals could not be expected to bear the expense of a doubtful search, and, as it was a matter of national importance, the assistance of the State was given. The noble Lord the Member for Haddingtonshire had suggested that, although Mr. Sheepshanks' offer ought not to have been altogether declined, yet the conditions he imposed should have been refused.

LORD ELCHO explained that what he had said was, that he thought it a pity the Government had not waited until the Commissioners of the National Gallery had reported, and if they had reported that pictures would not be injured by smoke, probably Mr. Sheepshanks might not have objected to allow his pictures to be exhibited in town.

MR. COWPER said, his noble Friend appeared to think Mr. Sheepshanks was a man who could easily be persuaded into anything, but he (Mr. Cowper) thought that a gentleman who of his own accord gave a collection of pictures worth £60,000 deliberately and while in the full possession of his faculties was not a man to be so easily changed. The real answer to the noble Lord was to be found in Mr. Sheepshanks' own deed of offer, wherein he stated his opinion that a dry and airy situation was required for the pictures, and one remote from the bustle and dirt of a crowded thoroughfare for the study and enjoyment of them. To refuse such a gift merely because a condition was attached that it should be taken to Kensington would have been absurd, and would have rendered the Minister who so acted liable to censure. He thought the House could not assent blindly to the proposed reduction in the Vote.

MR. W. WILLIAMS said, he only rose to bear testimony to the good results which had flowed from schools of design, which had in fact so raised the standard of taste in this country, that designs were now produced which competent judges had declared equal to those of the French. He wished, however, to remind the hon. Gentleman that these schools of design were, however, nearly self-supporting, but a small aid coming from the Government.

MR. SLANEY said, he should warmly support the original Vote as tending to the improvement of skilled artisans, and could not but condemn the proposed reduction as inimical to the interests of the great mass of the people.

MR. SPOONER said, he wished to correct what was no doubt an unintentional misrepresentation on the part of the hon. Gentleman (Mr. Cowper). He had never objected to the Vote for schools of design, which he considered to be most valuable institutions, and which were only assisted by the State. The reduction which he proposed to make in the Vote would not affect schools of design in the least degree. What he objected to was the payment out of the public purse of more than £5,000 a year spent in surveying estates to prove to the owners that they possessed mineral treasures. Another objection that he had raised was that there were three museums, which went into the market competing with each other, and of course greatly increasing the cost of purchase.

COLONEL SYKES said, the hon. Member was wrong in supposing that the geological survey was useful merely as illustrating the estates of private individuals. Geology enabled us to become acquainted with the structure of the earth, increased our knowledge of minerals and other natural productions, and so might be the means of adding to our national wealth. He trusted, therefore, that the hon. Gentleman would not press his Amendment to a division.

THE CHANCELLOR OF THE EXCHEQUER observed, that he was aware that the hon. Member for North Warwickshire had a great objection to the most precious of all metals—gold. He believed the hon. Gentleman thought that the country could do better without it than with it, and, perhaps, he was afraid that any researches we might make were likely to lead to further discoveries of that metal; but he would remind the hon. Gentleman that there were other natural productions besides gold, the possession of which would be a boon to this country, and it was with a view to promote the discovery of these that the school of geology had mainly been established. Most of the continental States had schools of mines, and in France and Germany it was a recognized point of public policy that there should be a portion of the national revenue devoted to that object. In England we had never had any school of mines, but we had now a geological survey placed under the superintendence of Sir Roderick Murchison, a scientific and practical geologist, and he did not think that any reasonable objection could be made to a Vote for such a purpose. It was, strictly speaking, a national survey intended to enrich, not individual proprietors, but the country at large, and he trusted therefore that the hon. Member would not succeed in reducing the Vote.

MR. PLATT said, he felt deeply interested in their Vote on this ground; he believed that art had been too long neglected in this country, and that many important branches of manufacture had suffered thereby. He was quite satisfied that by agreeing to the original Resolution the House would initiate a policy full of advantage to the country. We possessed many mechanical contrivances which were not enjoyed by other countries; but, nevertheless, our neighbours across the Channel, owing to their superior taste and greater cultivation of art, beat us in the production of numerous articles of general use, and this he thought was a sufficient proof that we should no longer neglect the encouragement of art.

Motion made, and Question put, "That a sum, not exceeding £34,000, be granted to Her Majesty, to complete the sum necessary to defray the Expenses of the General Management of the Department of Science and Art, of the Schools throughout the Kingdom in connection with the Department, and of the Geological Surveys of Great Britain and Ireland, &c., to the 31st day of March 1858."

The Committee *divided:* — Ayes 33; Noes 157: Majority 124.

MR. DILLWYN regretted that he must trouble the Committee to divide, because his proposition involved a different principle from that on which they had just divided. He wished to reduce the Vote by striking off the items connected with the Kensington Museum, which he had already shown to be extravagant. The sum charged for salaries was excessive; the amounts paid to the assistant-secretary and the sub-inspector—namely, £675 and £450 respectively—being merely samples of the general scale. The sum of £2,000 for the purchase of specimens for an educational museum was ridiculously large, many of the articles bought at extravagant prices being apparently mere old curiosities. For instance, there was the sum of £103 for seventeen pieces of Staffordshire ware, supplied by Mr. Minton, and another item of £10, for a pair of wrought iron fire-dogs. He therefore proposed that the Vote should be reduced by the sum of £3,768.

Question put, "That a sum, not exceeding £45,087, be granted to Her Majesty, to complete the sum necessary to defray the Expenses of the General Management of the Department of Science and Art, of the Schools throughout the Kingdom in connection with the Department, and of the Geological Surveys of Great Britain and Ireland, &c., to the 31st day of March 1858."

The Committee *divided:*—Ayes 36; Noes 162: Majority 126.

MR. JOSEPH LOCKE said, the Government had not acted fairly towards the House in increasing the expenditure at Kensington-gore, notwithstanding the strong objections which had been made against that site by many hon. Members on previous occasions, and although the Commission with respect to the National Gallery had not made its Report. On the present occasion, however, he should not do more than protest against the expenditure, which he believed would end in disappointment, not only to the House but to the country.

Original Question put, and *agreed to.*

(2.) Motion made, and Question proposed, "That a sum, not exceeding £143,030, be granted to Her Majesty, to complete the sum necessary to defray the charge for Public Education in Ireland, under the charge of the Commissioners of National Education in Ireland, to the 31st day of March 1858."

MR. BLACK said, he must complain that this department had become not only its own publisher, but also a great bookselling establishment. The accounts showed a loss of £10,000 on the sale of books, and this was complained of by the trade as a great grievance. His own objection, however, was less a personal one than a feeling that the principle which dictated the adoption of this practice was an unsound one. The Government had baking establishments; why, then, did they not also sell cheap biscuits? The interference of the Government was most prejudicial to literature; for what publisher would think of bringing out a new educational work when he knew that he should have to compete with a work brought out with the aid of Government funds? The Government seemed to be aware that the course they had adopted was wrong, but like other repentant sinners they put off the day of reform. But he was satisfied that there was no way of obtaining cheap educational literature so good as leaving it to the skill and enterprize of those whose business it was to produce such works.

MR. BLACKBURN said, he wished to call attention to the expenditure under the heads of "Albert Agricultural Training Establishment and Model Farm, Glasnevin," "Agricultural Schools," and "District Model Agricultural Schools," amounting altogether to £17,900. There had been a long debate on the subject last year, and it was promised that they should be gradually discontinued. Nevertheless he found there was actually an increase of £900 in the estimate of this year. In a blue-book published upon this subject, he also found a number of testimonials in favour of these institutions, which reminded him very much of the testimonials on the subject of Holloway's pills. Among them was one from the present Member for Dartmouth (Mr. Caird), but, as there was no date to these documents, perhaps the hon. Gentleman would inform the Committee whether or no, since then, he had changed his opinion. Another testimonial was written by the well-known correspondent of *The Times*, "S. G. O.," and, no doubt, considering what they had cost the country, these institutions would look neat and tidy, but he thought the work of educating stewards, land bailiffs, and agents, for the benefit of the landed gentry of Ireland, was scarcely an object for which the public money ought to be voted. Last year the blue-book contained a description of all the wonderful turnips produced, but the compiler had apparently received a hint to omit such matter as this, which accordingly did not figure in the present publication. One of the inspectors, however, naively remarked of one of these establishments, thus maintained by public grants, that it formed a focus of improvement for the tenantry on Lord Monteagle's estates. The result of the whole, then, was that these institutions served as models for the improvement of the estates of th great landlords of Ireland. This, he did think, was rather too bad, and believing that the only mode of dealing with the subject was by striking out the proposed expenditure altogether, he begged to move, by way of Amendment, that the Vote be reduced by the sum of £17,880.

MR. CAIRD said, he certainly thought the sum of £17,900 a very large one to be spent upon an object of this sort. He should be disposed to defer very much to the opinions of Irish gentlemen on such a point, but there seemed to be some difference of opinion among them, and he noticed that, of the testimonials referred to, only seven or eight were from Irish gentlemen, twenty-two being written by persons wholly unconnected with Ireland. It did not appear, therefore, that any very strong feeling existed among Irish gentlemen themselves in favour of these establishments. For his own part he confessed that, though perhaps the state of Ireland some years ago might have rendered this grant excusable, he thought the present condition of agriculture in that country quite as good as in any part of Great Britain, and that there was, therefore, no reason for treating Irish agriculture in an exceptional way. The grant was positively more than the whole revenues of the Royal Agricultural Society of England, the Irish Agricultural Society, and the Agricultural Society of Scotland; yet, could any one, for a moment, compare the results attained? But he objected to this grant as a matter of principle. It was impossible to admit that, in this country, one trade possessed a greater claim than another for public support. They might as well talk of teaching tradesmen and professional men their business, as of employing the money of the State in teaching people to be farmers. Even if the business of life could be learnt at school, (and he was not of that opinion) this sytem could not be carried out. In Scotland, something of the same system was tried in the parish schools, but it was abandoned. Scotland was often pointed to as a model of agricultural improvement, but farmers there were educated for their business as other men were, and agriculture received no State encouragement. The true mode of improving agriculture was, by having examples of profitable farming, quite independent of any public countenance and support, established in every part of the country, and prosecuted as a matter of business. Now, he had observed in Ireland the greatest development of agricultural enterprize, and he had no hesitation in saying that, probably in every county there, almost in every district in each county, excellent examples of profitable farming were now to be found. With regard to Glasnevin, especially, he objected to it as a practical failure. It had been nine years in operation, and one of the inspectors stated, in the blue-book, that between 500 and 600 young men had been sent out from this school, and were dispersed throughout Ireland, for the promotion of agricultural improvement. This statement was, however, a very loose one, for he found the fact to be, that 237 was the whole number which, during the nine years, had been educated at Glasnevin, and, of that number, not more than two-thirds had been employed in carrying out agricultural improvements in Ireland; the remainder had either emigrated, were unknown, or had abandoned farming altogether. It appeared that the number educated in this establishment was 159 in nine years, which gave no more than eighteen per annum sent out from this great centre of agricultural instruction. What effect would these eighteen pupils exercise among the 500,000 occupying tenants in Ireland? From what he had himself seen, he was inclined to think that the experimental system of farming at Glasnevin was not suitable for general introduction in Ireland. The land was farmed in the highest possible manner; the farmer drew his capital from the State, and he was not bound to look to profit and loss. The system was, therefore, an exceptional one, and was by no means certain to be useful to young men in remote districts. The cost of each pupil was £32 per annum. There was less objection to such agricultural schools as those of Lord Monteagle, which were self-supporting. He would draw a distinction between the country schools and the establishment at Glasnevin, because it was possible that the introduction of industrial training into these country schools might be useful. If there were a demand for such training as was given at Glasnevin, the establishment would pay as a private enterprize, and that was the true footing upon which such institutions should stand. He could not but agree that the expenditure on these model schools was most lavish. It amounted to nearly as much as the cost of the Lord Lieutenancy, and was as much as the Votes on behalf of the London University, of the Scotch Universities, and of the Queen's Colleges in Ireland put together. And the cost of maintaining a young Irishman, as a pupil in one of these schools, was more than was paid to the professor of moral philosophy in the University of Edinburgh. At the same time, there might be some practical difficulty in abolishing this establishment immediately, and he would recommend his hon. Friend to withdraw his Motion, and leave the Government to reconsider the matter. They could then modify or withdraw the present system upon their own responsibility, as the circumstances of the country might enable them to decide.

MR. BAGWELL maintained that the model schools were very beneficial to Ireland; for a class of men were trained at them who would become independent and well-educated yeomen. It was a part of that general scheme of national education established by the Earl of Derby, in 1833, and from which the improvement of that country really dated. The total cost of the agricultural schools and farms under the exclusive management of the Board, after deducting receipts, was only £4,880. The total cost of agricultural education in 1855 was £6,895; and was it worth while to break up these establishments for the sake of this sum? He would entreat the House, instead of reducing this Vote, to ask the Government to give larger grants for the promotion of agricultural education in Ireland. Wherever model schools had been established, the greatest benefit to the district had resulted. He might cite numerous instances in support of this statement, but a reference to the school of Kilkenny would suffice for an illustration. That school had been instituted in opposition to all classes. It opened with fourteen boys, four girls, and four infants; but, so much had it progressed in popular favour, that by the end of the first year, it had 310 pupils. It had the support of all parties; it was attended and supported by the clergy of all denominations, and had admittedly solved the problem of imparting a sound education without interfering with the religion of the people, and he trusted that the Government, instead of diminishing, would increase the grants for them.

MR. WILSON explained, with reference to the publication of the school books, that the present system had been established in 1852, under a contract which would last till 1858. Every one admitted the value of the books, and that, so far as quality was concerned, they could not be improved. Although the Commissioners produced the books, every five years the supply of books was thrown open to competition by the trade, and the Government were pledged to reconsider the whole subject in detail when the present contract should expire. In point of principle, he could not gainsay the observations of his hon. Friend the Member for Dartmouth (Mr. Caird), but he wished to remind the Committee that they had, only a short time since, by a majority of five to one, determined that departments of science and art should be maintained in this country, for encouraging those branches of manufacturing industry by which our population obtained a livelihood. Now, what manufactures were to the people of England, agriculture was to the people of Ireland. Although these establishments were not founded on truly economical principles, the exceptional condition of Ireland at the time they were established ought not to be overlooked; and if we had to congratulate ourselves on the improved condition of Ireland, we ought to guard against striking a blow at one of the influences which had contributed to her welfare. The House had not scrupled to vote hundreds of thousands to relieve Ireland from her wants. And to what were those wants owing? To the debased condition of the country with regard to agriculture, and the position of its peasantry. Having raised that country to a better and more prosperous condition, he asked the House not to withdraw that assistance which had been productive of so much good, and was likely to be still more beneficial. At the same time, he quite agreed with his hon. Friend, that it was the duty of the Government to look at the improved condition of Ireland now, as compared with what it was some years since, and he would promise that the attention of the Government should be given to the subject, to see whether there were any unnecessary expenses which might be curtailed, and whether greater practical results might be obtained from the schools The Amendment was to reduce the Vote by £17,900, but of that sum only £8,300 was required for the maintenance of the schools, £9,600 being for the completion of buildings which had already been commenced.

MR. MAGUIRE said, he should support the Vote, on the ground that the schools in question benefited, not alone the rich owners of estates, as the hon. Member for Stirlingshire (Mr. Blackburn) had asserted, but that they were of the greatest advantage to the humble, and hitherto uninstructed farmers of the district. He thought that the Committee could not well refuse this grant of a little over £17,000, when they would be shortly called upon to vote a nearly equal sum for the purchase of two pictures to gratify the curiosity and taste of the public of England—£3,153 for one picture, that of St. Sebastian, which had not yet arrived in this country, and £13,000 for the other, representing the family of Darius before Alexander. He did not know whether the hon. Gentleman intended to divide the Committee on the sum proposed to be voted for these pictures, but he (Mr. Maguire) would not be so illiberal. The hon. Gentleman then quoted passages from the Reports of the Rev. Mr. Brady, Chaplain to the Lord Lieutenant of Ireland, of Mr. A. Hill, and other gentlemen, to show that the state of agriculture in Ireland had undergone considerable improvement; that the cultivation of turnips, the fencing of farms, and the mode of cultivating the soil generally, had greatly progressed since the establishment of the model schools, while agrarian outrages had become almost unknown, drunkenness had decreased, and the rents were not in arrear, as used to be the case. He himself knew something of an agricultural school in Cork, attached to the workhouse, and could bear testimony to the fact that great benefit was derived from it, in consequence of its enabling boys who might otherwise grow up mischievous members of society to form habits of industry, and to become fitted for the discharge of the duties of farm servants. He was, he thought, making no extravagant demand upon hon. Members, when he asked them to agree to a Vote by which such a system was carried out. They must bear in mind that, in Ireland, agriculture was in its infancy, and that it required every effort which the Government could use to place it upon a good footing.

Mr. MACARTHY said, that he should contend that the money which had been expended in the establishment of agricultural schools in Ireland had been well laid out, and was prepared to state that in a district with which he was acquainted the improvement in the art of farming which had of late sprung up was such as would do credit even to Scotland. It had been observed that the present system was one which produced men fit only to be stewards to the landlords of Ireland. It was perfectly true that it might have enabled the Irish landlords to dispense with the assistance of Scotchmen in that capacity, and he did not wonder, therefore, that it did not meet at the hands of Scotch Members with that degree of appreciation to which it was entitled. It had also been remarked that it was impolitic to make grants of public money for the purpose of fostering a particular branch of industry; but that was a course which was very generally taken, as was the case, for instance, in the establishment of schools of design and in the promotion of manufacturing industry in England. It would be rather hard, under those circumstances, to refuse to Ireland a trifling sum to foster the only industrial school she possessed. That its expenditure was productive of great benefit was borne out by the fact that there were within his own knowledge several independent farmers in that country who owe their present position to the training which they had received in the schools in question.

Mr. BLACKBURN expressed it to be his determination to press his Motion to a division, unless the Government were prepared to make some reduction in the amount of the Vote as an earnest of their intention on some future occasion to abolish it altogether.

Motion made, and Question put, "That a sum, not exceeding £125,150, be granted to Her Majesty, to complete the sum necessary to defray the charge for Public Education in Ireland, under the charge of the Commissioners of National Education in Ireland, to the 31st day of March 1858."

The Committee *divided*:—Ayes 34; Noes 209: Majority 175.

Original Question put, and *agreed to.*

The following Votes were then *agreed to*:—

(3.) £405, Education in Ireland.

(4.) £3,602, University of London.

(5.) £5,010, Scottish Universities.

(6.) £1,625, Queen's University in Ireland.

Mr. GROGAN observed, that the pupils attending the Queen's Colleges, and who received degrees from the Queen's University, which was established to compete with Trinity College, were unable to pay the fees requisite to maintain the institution, and that the House was called upon to supply the deficiency. He thought the subject deserved the serious consideration of Parliament. A Commission of inquiry had already been appointed, and he wished to know when their Report was likely to be presented.

Mr. GREGORY said, that he found, from an observation appended to the Vote, that at the examination of 1856, at the Queen's University, there were twenty-one examiners and forty-eight pupils examined. That seemed an inordinate amount of sack to a pennyworth of bread. It appeared, also, from the next Vote, that the amount of prizes distributed to the pupils was utterly disproportioned to their numbers. For out of the forty-eight pupils examined twelve obtained gold medals, and £240 was distributed among them in money exhibitions. Such a system must destroy all feelings of emulation, so essential in an examination. The expenses of the examiners were also quite disproportionate, for as there could be no difficulty in obtaining the prizes they constituted no test of superior qualifications.

Mr. WILSON said, he was willing to admit that the number of pupils examined at the University was very disproportionate to the number of examiners, but the amount received by the examiners was rather in the shape of fees than of salaries. It must, however, be borne in mind that this University was comparatively a young institution. He believed that the Report of the Commission which had been appointed last year to inquire into the subject of the Queen's Colleges might be expected in the course of August.

Mr. W. WILLIAMS expressed his intention to divide against the Vote, unless a more satisfactory explanation was given.

The CHANCELLOR of the EXCHEQUER could only repeat the statement of his hon. Friend (Mr. Wilson). The Government had done all they could by issuing a Commission of Inquiry, and their Report would shortly be presented. These colleges were established, under a scheme of which Sir Robert Peel was the author, for the improvement of education in Ireland. It had been expected that they would confer great benefits upon Ireland, but unluckily it had been found that the demand for this species of education was less than had been anticipated. Measures were in progress for a revision of the scheme, and he hoped upon that understanding the Committee would pass the Vote.

Mr. MOWBRAY said, he understood the right hon. Gentleman to admit that the scheme of Sir Robert Peel had proved a total failure, and he thought that so far from continuing this Vote the Committee ought to strengthen the hands of the Government in resisting such grants. He trusted the hon. Member opposite would divide on this Vote.

Mr. VANCE observed that twelve months ago the same objection was made to this Vote, and he thought that as a minute and searching inquiry on the subject of these colleges might be completed in a very short time, it was not treating the House properly to call upon them to assent to these Votes before the Report of the Commissioners was before them. If the hon. Member would divide the Committee he should certainly support him.

Mr. KIRK said, he did not rise to defend the grant, but to state that the effect of the national system of education introduced into Ireland by Lord Derby in 1833 had been to supplant the intermediate schools which used to exist in nearly every town in that country, and which afforded a good scientific and literary education, classical as well as mathematical. The consequence was that few schools now existed in which an education could be obtained to fit pupils for entering the Queen's Colleges, and the endowed schools were altogether feeders for Trinity College, Dublin.

Mr. GREGORY observed, that he had no indisposition to vote a grant for the Queen's University, but he had thought it right to call attention to the fact that £240 was distributed in money, which would afford twelve exhibitions of £20 each, besides twelve gold medals. If twenty-four of the forty-eight pupils obtained these prizes, what test could the system afford of industry or acquirements? As, however, the right hon. Gentleman had given an assurance that the subject should receive attention, he (Mr. Gregory) would not vote against the grant.

Mr. TATTON EGERTON said, the hon. Member for Galway county, having stated facts to induce the Committee not to assent to the Vote, now retired gracefully from opposition, and so he did not object to the grant, but only to the system. When they saw the small number of candidates who came forward to receive the benefits of an education at this university it was evident that the experiment of Sir Robert Peel had failed. He did not think, therefore, that the Committee ought to be satisfied with an assurance that an inquiry would be instituted, but that it ought to say aye or no on the present occasion.

Mr. GREGORY said, that the hon. Gentleman who had addressed the House so smartly, could not have attended to what the Chancellor of the Exchequer had said. That right hon. Gentleman had said that a Commission had been issued, and it was for that reason that, although he objected to the present state of things, he did not wish to divide the Committee.

Mr. BLACKBURN remarked, that he considered that the expenditure had been excessive. In six years only one engineer's diploma had been granted, and the expense for professorships, &c., had been £560 in that period.

Mr. WILSON begged the Committee to bear in mind that these establishments had been settled by Act of Parliament after careful consideration, and could not be abolished except by another Act. The Committee, therefore, would not be acting wisely, upon an incidental question of expense, to reverse the decision which had then been come to, and to take a course which would produce considerable religious differences in Ireland, as any one who heard the discussion when these colleges were established would readily understand.

Mr. VANCE said, that what he objected to was the principle that there should be two universities each conferring degrees, and yet that the degrees conferred by one should be considered inferior to those conferred by the other. He wished to know whether the Commission was to inquire into the Queen's Colleges, or into the University as well.

Mr. MOWBRAY observed that he could not see how a question of theology could be involved. There were no professors of theology in the colleges, unless, indeed, the hon. Gentleman considered the professor of Sanscrit to be a theological professor.

Mr. W. VANSITTART said, that the hon. Member for Galway (Mr. Gregory) had spoken three times—the first time against the grant, and each succeeding time he had modified the views he had first expressed. For his own part, he thought that first impressions were the best, and he should vote against the grant.

Mr. KINNAIRD said, that it appeared to be a general opinion that there was no necessity for those colleges, and therefore the first step towards abolishing them would be to vote against the present grant, and that would of necessity be followed by an Act of Parliament.

Mr. BARROW said, he could scarcely call this system anything but jobbery. He felt called upon to raise his voice against this waste of the public money.

Mr. HORSMAN said, that these colleges had been established upon grounds of national policy, and that question ought not to be decided by the Committee upon a Vote relating merely to a question of expense. Questions had been raised as to various matters connected with these colleges; and as it appeared to be a somewhat prevalent opinion that they had been a failure, the Government had issued a Commission to obtain information as to the state of these colleges, and also into the condition of the Queen's University. The Report of that Commission would shortly be before the House, and he thought that it would be a very unbusiness-like proceeding, before seeing that Report, to come suddenly to the conclusion that these colleges ought no longer to be continued.

Viscount GALWAY said, that if he had entertained any doubt as to the vote which he ought to give the right hon. Gentleman had removed that doubt; for surely if the Report of the Commission was about to be produced in a few weeks the Vote ought to be postponed.

Mr. NAPIER said, he thought that there was a great deal to be inquired into, not only as regarded this Vote, but also with regard to the application of all the moneys voted for educational purposes in Ireland. At the same time as this grant had been continued from year to year, it would be unjust to cut it off at present, and he should therefore support the Vote, on the understanding that the whole matter would be inquired into.

Mr. NEWDEGATE said, he could not agree with his right hon. Friend. The fact that the Commission was now deliberating on its Report was a reason for at least postponing this Vote.

Motion made, and Question put, "That a sum, not exceeding £1,625, be granted to Her Majesty, to complete the sum necessary to defray the Expenses of the Queen's University in Ireland, to the 31st day of March 1858."

The Committee *divided*:—Ayes 169; Noes 55: Majority 114.

Vote *agreed to.*

(7.) Motion made, and Question proposed, "That a sum, not exceeding £3,200, be granted to Her Majesty, to complete the sum necessary to defray certain Expenses of the Queen's

Colleges in Ireland, to the 31st day of March 1858."

Whereupon Motion made, and Question proposed, "That the Chairman do report progress, and ask leave to sit again."

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

The following Votes were also *agreed to*:—

(8.) £300, Royal Irish Academy.

(9.) £200, Royal Hibernian Academy.

House resumed.

Resolutions to be reported *this day.*

Committee to sit again on *Wednesday.*

ELECTIONS PETITION BILL.

SECOND READING.

Order for Second Reading read.

MR ADDERLEY said, he rose to move the second reading of this Bill, the object of which was to prevent collusive presentations and withdrawals of election petitions. It had five clauses, the first and fifth of which contained one provision, and the second, third, and fourth another. The first provision was, that an affidavit should be taken by every petitioner or his agent, both on presenting and withdrawing a petition that in their belief there were good grounds for so doing. The second provision was, that no election petition should be withdrawn without the leave of the House. In exceptional cases the House might refer the petition to the examiners of recognizances to make inquiry as to the grounds of withdrawal, and on his Report might refer all the petitions which he thought should not be withdrawn to one Select Committee. Such were the main provisions of the Bill; they were simple, and he believed they would prove efficacious in remedying an evil which was alike degrading to the House and detrimental to the public interest. It was objected that the Bill would lead to an unnecessary multiplication of oaths, but the affidavit proposed to be taken was the same that was already taken in courts of law—namely, an affidavit of merits. Even if it did make a new oath, however, that ought to be no objection if the oath was necessary. He thought the House, instead of the present loose system, should adopt a course of proceeding more in accordance with that which was followed in courts of law. With regard to the second part of the Bill, it was objected that the House ought not to delegate its functions to any officer; but, in point of fact, that functionary had only to report, the House being at liberty to take what course it pleased in the matter. The Bill was approved of by a very high Parliamentary authority, and he called upon the House to give it a second reading with a view of going into Committee and there improving its details should any alteration for that purpose be thought necessary.

Motion made, and Question proposed, "That the Bill be now read a second time."

THE CHANCELLOR OF THE EXCHEQUER said, he would admit that this Bill dealt with a real evil, but he did not think the House would be justified in going into Committee on the Bill unless there was some prospect of moulding it into an unobjectionable shape, of which he saw little prospect. The security afforded by the affidavit of an interested party would be worth nothing; for these oaths would come to be taken just as a matter of course. The Bill would, in short, be laying a snare for persons inclined to petition. It would cause false swearing, and would give no protection. The next part of the Bill seemed to be still more objectionable. At present a petitioner was allowed to withdraw his petition, which on the whole was favourable to the hon. Member petitioned against; but the third clause proposed that he should not be allowed to withdraw it without the consent of the House. The policy of the House was to send these petitions to a Committee, so that the matters in dispute were withdrawn from the consideration of the House; but the Bill proposed that the House collectively should be called on to consider whether a petition ought to be withdrawn or not, but how could that be determined without going into the merits of the various cases. The Bill then proposed that in cases where persons who had presented petitions desired to withdraw them they should not be permitted to so do without the permission of the House; and that if the House refused the permission then the petitioner should be compelled to prosecute the petition at his own expense. What success could be expected from a petition prosecuted by a reluctant petitioner at his own expense and against his will? The effect of the Bill would be to leave the practice just as it was at present, and therefore he could not assent to the second reading. He should, therefore, move that the Bill be read a second time that day three months.

Amendment proposed, to leave out the

word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

MR. MALINS said, he wished to ask whether, it being admitted that election petitions were grossly abused, such a state of things ought to be allowed to continue unchecked. He thought, where a man made charges against an hon. Member of that House he ought to be prepared to swear to their truth. But at present petitions were presented wihout reason and without responsibility, for the most unfounded charges might be made against any hon. Member without the party preferring them being liable in any way. Now, were the honour, character, and station of hon. Members to be trifled with in that way? For fourteen days after the opening of a new Parliament hon. Members were liable to have the most unfounded petitions presented against them; in many instances such petitions had been presented, and after the hon. Member had been put to the utmost amount of trouble, annoyance, and expense to contest it, the petition was withdrawn, and there was no opportunity afforded him of proving its entire untruth. Was that system to continue? It was not a new principle to require parties to swear to their belief in the charges they made, as in the Court of Chancery there were some bills which could not be filed without such affidavit. The right hon. Gentleman had said there would be great inconvenience to the House in requiring its sanction to the withdrawal of petitions, but there was no necessity that such sanction should be given by the whole House. There might be a standing Committee for that purpose. He believed the Bill would be eminently useful in preserving the dignity of the House, in suppressing unjust charges, and in preventing the gross jobbery of Parliamentary agents.

SIR J. SHELLEY said, he would move the adjournment of the debate. It was then half-past one, and many hon. Members had been closely attending to their duties for more than thirteen hours.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 55; Noes 77: Majority 22.

Question again proposed, "That the word 'now' stand part of the Question."

MR. AYRTON said, he thought that the fact that so many hon. Members were smarting under threats, was a reason for not going on with the Bill. He would characterize it as a most impracticable measure. If the Bill were confined to making the unsuccessful party pay costs, then perhaps no one would object to it; but that was the smallest portion of the Bill.

MR. CHILD said, he should support the Bill, and would refer the Chancellor of the Exchequer to the Report of the Committee on the city of Durham election, of which the late Sir R. F. Lewis was Chairman, calling the attention of the House to the abuse of the right of petitioning against the return of Members.

MR. RIDLEY moved the adjournment of the House.

THE CHANCELLOR OF THE EXCHEQUER said, it would be inconvenient, on account of the other orders, to adjourn the House, but he hoped that the debate, in which several hon. Gentlemen wished to take part, would be postponed till a more fitting occasion.

MR. HORSMAN said, the general understanding was that opposed Bills should not be taken after midnight; it was now nearly 2 o'clock, and Mr. Speaker would have to take the chair at 12 o'clock for the morning sitting.

VISCOUNT GALWAY said, that the hon. Member for Staffordshire had stated early in the evening that he would proceed with the second reading that night, early or late; and no objection had been taken to that arrangement. It seemed as though the Government were afraid of being put in a minority; and hence this very unfair attempt again to adjourn the debate.

MR. NEWDEGATE pointed out that private Members had no other time except these late hours to bring forward their Bills.

MR. ALCOCK said, he wished, as an earnest of his strenuous support of the Bill, to announce his intention of moving in Committee that a sum of £200 should in every case be deposited by agents as a pledge for good faith.

LORD CLAUD HAMILTON said, that the Bill did not emanate from one side of the House only. Its real author was the senior Member for Finsbury (Mr. Duncombe).

Motion made, and Question "That this House do now adjourn" put, and *negatived*.

THE SOLICITOR GENERAL said, he desired to state his objections to the

Bill, and to deny that there was any analogy between the provisions of this measure and ordinary legal proceedings. There was no instance at equity in which a legal proceeding merely requiring an answer was required to be verified by affidavit. It was only when some judicial step was to be taken that such a process occurred.

MR. NAPIER said, a petition against a return was in the nature of an indictment, and the petitioner ought therefore to be compelled to verify his statement on oath.

MR. WYLD observed, that he had reason to complain of the loose state of the law on this subject. A person presented a petition against his return, but shortly afterwards withdrew it, having first had the confidence to state that his only object was to use the Parliamentary petition machinery as a means of advertising himself as a boot and shoe-maker.

Question, "That the word 'now' stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Friday.*

House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Tuesday, June 30, 1857.

MINUTES.] PUBLIC BILLS.—1ª Married Women's Reversionary Interest; Sites for Workhouses.
2ª Oxford University; Turnpike Trusts Arrangements; Insurance on Lives (Abatement of Income Tax) Continuance; Hanley Borough Incorporation.
3ª County Cess (Ireland); Court of Exchequer (Ireland).

ALLEGED REVIVAL OF THE SLAVE TRADE—QUESTION.

LORD BROUGHAM said, he rose to ask a question of his noble Friend, the Secretary for Foreign Affairs relative to a subject which had excited much alarm among those who, like himself, were friends of the African race, and who hoped they had seen the end of that great scourge, the slave trade. It was understood that a body of West India planters had approached the noble Viscount at the head of the Government, and had urged him to facilitate the importation into our colonies of free negroes from the coast of Africa. It was also understood that measures of the same sort were contemplated by the colonial interests of France and Spain, and it was even stated that the Emperor Napoleon had given permission to a house at Marseilles to fit out an expedition for importing 20,000 free negroes, as they were called, into the French colonies. One vessel, it was alleged, had already sailed to Quidah, on the coast of Africa, well known as a slave-trading port—the very port, indeed, from which the King of Dahomey formerly carried on that infernal traffic. No wonder, then, that alarm had been excited at the prospect of such an expedition to the port of Quidah, with the professed object of inducing negroes to take ship and be conveyed over to the French colonies. It was well known that one of the most remarkable acts of the life of the first Napoleon, the only act of his in favour of human rights, was his decree for putting down the French slave trade—our ancient allies, the Bourbons, having altogether omitted to take such a course. He felt assured that the present Emperor of the French would not, by pursuing an opposite course, tarnish the glory of a policy which reflected so much honour upon his predecessor. It was also said that a similar movement was taking place in Spain, that the importation of free negroes into Cuba was to be encouraged by the Spanish Government. Now, there was, no doubt, a great difference between any measure having for its object the importation of free negroes into Cuba upon the one hand, and a measure, the object of which was their importation into the French or the English colonies, upon the other. In the latter case, of the French colonies, slavery had been abolished, so that free negroes could not be enslaved after their importation. But the free negroes who were imported into Cuba, might in reality be compelled to undergo a state of endless bondage; and he hoped his noble Friend the Secretary for Foreign Affairs would be able to give him some assurance that the new Governor of the Havannah was treading in the footsteps of those among its predecessors who had shown a disposition to put down the slave trade, and was not following the example of those by whom a contrary course had been pursued. That a disposition existed in Brazil to put an end to the traffic in slaves he entertained no doubt, and the course which the Government of that country had taken in reference to the subject was such as, in his opinion, redounded greatly to its credit. When persons emigrated from this country to the colonies care was taken that they should be provided with sufficient accommodation on board the vessels in which they were conveyed. Medical attendance was afforded them, and a vigilant superintendence was exercised at the various custom-houses in their regard, security being taken that they should be landed at the port to which they intended to emigrate. In the case of those free negroes, however, who were to be shipped on the coast of Africa no such precautions could be taken, and the consequence would be that the greatest abuses must arise. Such a state of things should not, he contended, be allowed on any account. Security should be taken that those negroes should be landed at the port for which they were bound, and that whenever they became dissatisfied with their new position they should be enabled to return to their own country. As this, however, was manifestly impossible, the whole scheme should be discountenanced. Since the abolition of the slave trade, what he might term the innocent commerce of Africa had increased to a considerable extent. In the year 1855 upwards of £1,500,000 worth of goods had been exported from this country to those ports in Africa which were not in our own possession or under the dominion of France, while goods to the value of £250,000 had been exported to Sierra Leone and other English settlements on the African coast. Now, nothing could have a greater tendency to check that growing commerce than the encouragement of the traffic in slaves, and he hoped, therefore, to receive from the Government some assurance both as to the intentions of the Spanish and Portuguese Governments, and as to the project which had been brought under the notice of his noble Friend at the head of the Government.

The Earl of CLARENDON, who was very indistinctly heard, was understood to say that he entirely concurred in the opinion which had been expressed by his noble and learned Friend, and was sorry he was unable to give a detailed answer to the various inquiries which had been made; because, although his noble and learned Friend had given him notice of his intention to put a question with regard to the slave trade, he had not given any intimation as to the precise nature of that question. A deputation had certainly waited upon his noble Friend at the head of the Government to propose some measure having for its object the importation of free negroes from Africa to the colonies, but he was not aware of the precise nature of the proposal, or of the answer returned by his noble Friend. He was quite certain, however, from all the antecedents of his noble Friend—from the fact that all his energies had been directed to the suppression of that detestable traffic—that no encouragement, either directly or indirectly, would be given by him to anything that could in the remotest manner lead to a renewal of that traffic. Portugal had set its face entirely against any attempt, whether by mercantile associations or otherwise, to import free labour from the African coast. As to the rumour that a licence had been given to a French commercial company at Marseilles, and that a ship had sailed from that port for Quidah, Her Majesty's Government had received no official information on the subject, and he thought it would have been impossible for such an expedition to have sailed without the attention of the Government having been officially drawn to it. His noble and learned Friend had not at all understated the progress of commercial enterprise in Africa, and it was to be hoped that industry had taken such a spring in that country as would lead to the most happy and beneficial results.

OXFORD UNIVERSITY BILL.

SECOND READING.

The Earl of CARNARVON presented a petition from the visitors of the Foundation of John Michel, Esq., in the Queen's College, Oxford, praying to be heard by counsel against the Bill. The noble Earl made some observations which were inaudible.

The Earl of HARROWBY presented several petitions in favour of the Bill, from the Provost and Fellows of Queen's College, and certain Fellows on the Michel Foundation. The noble Earl said, that one of the objects of the Bill was, to consolidate the fellowships on the Michel Foundation with the old Foundation of Queen's College, and the only parties who objected to the new state of things were these trustees. Every one was now agreed that nothing was so inconvenient as that in one college there should be two sets of Fellows established on a different footing. The question raised by his nob'e Friend was whether, irrespective of the merits of the Fellows, the state of things should continue. Parliament had given power to the Commissioners to deal with that question, and it was in the hands of the Commissioners, and they had thought it right to deprive the persons whom they had dealt with of the undue advantages which they possessed. It was, however, provided by the Oxford University Act, that when the Commissioners should give notice to the parties concerned of their intention to make any alteration in the statutes, and when the ordinances were passed, an opportunity was given to the parties interested, by an interval of forty days, to ascertain whether they were approved by them, and their case, if any, was heard by the Commissioners. There was no reason given why fellowships in one foundation should be on a different footing; and he trusted their Lordships would agree to the second clause of the Bill, which provided for the consolidation of Michel's Foundation in Queen's College with the old foundation of the college. The first clause of the Bill asked for a prolongation of the powers of the Commission. In the last Session of Parliament he had asked for and obtained a prolongation for one year of the powers of the Commission; but it was found that the slow progress which had been made rendered it requisite to ask for a further prolongation this year. By means of such a prolongation all the duties of the Commission would be discharged. Already out of twenty colleges of which Oxford consisted statutes had been framed for fourteen, and of the remaining six there was a difficulty with only one, which he trusted would soon disappear, and that within the present year the whole business of the Commission would be settled. But as a certain time must elapse before an ordinance of the Commission could become law, namely, forty days after it was promulgated, it was not desirable that the Commission should expire before parties interested should have opportunities of objecting to any ordinance that might be passed. The Bill, therefore, asked for the prolongation of the Commission till July 1, 1858.

Then the Order of the Day for the Second Reading of the Bill read.

Moved, That the Bill be now read 2ª.

THE EARL OF DERBY said, his noble Friend had fallen into an error in supposing that he was obliged to make an application to Parliament last year to prolong the Commission, for in the original Bill a provision was inserted to the effect that the Commission should last for a certain period, and power was given to the Crown to extend that period a year longer if it should be deemed necessary. Therefore, in point of fact, this was the first application to the House for a further prolongation, the Crown having availed itself of the power granted by the original Act. He did not rise to offer any opposition to the present Bill; but he hoped that this would be the only prolongation which would be asked for, as nothing could be more inconvenient than an indefinite prolongation of the powers exercised by the Commissioners. He wished to take this opportunity of calling the attention of his noble Friend to the provisions of one of the ordinances which had been laid upon the table by the University Commissioners. That ordinance had reference to Oriel College, and the complaint which he had to make with regard to it was, that it was at variance with the original intentions of the founder, and excluded all consideration of the pecuniary circumstances of applicants for fellowships. One of the provisions of the Oxford University Act was that the Commissioners should frame the ordinances of the several colleges according to the obvious design of the founder, but allowed them a certain latitude in abolishing or amending the existing statutes to suit the requirements of the present day. He did not deny that the Commissioners had a right by law to do away with all those preferences as to place of birth and founder's kin, and some of the capricious distinctions which had existed in favour of particular parties. He confessed he thought that Parliament had gone a step further than was necessary in that respect, because, provided the original intentions of the founders were not in themselves unreasonable, nor *contra bonos mores*, nor impracticable at the present time, he did not see that there was any reason for departing from them. Parliament had undoubtedly authorized the Commission to depart from the intentions of the founders, but he apprehended that that was only in cases where the preferences were founded on grounds which could not fairly be substantiated in the present day. That to which he desired to call their Lordships' attention was a provision of the founder of Oriel College, to which those objections were not quite applicable to a particular period, being one which was good for all time, and was at the very foundation of the objects of university education. According to the ancient statutes of Oriel College, three circumstances were required by the founder to be kept in view in the selection of candidates—first, the moral character of the applicant; secondly, the pecuniary circumstances; and thirdly, the aptitude of the party for study and his desire for instruction. The original statute ran thus:—

> "Hoc etiam in eâdem domo specialiter observari volumus, ut circa eos qui ad hujusmodi eleemosynæ participium admittendi fuerint diligenti solicitudine caveatur ne qui prætor honestos, castos, pacificos, humiles, indigentes, ad studium habiles, proficere volentes, et ritè electos recipiantur."

Of course the Commissioners did not intend to set aside the primary consideration of moral character. So far, however, as these ordinances of Oriel College went, the sole condition seemed to be the test of scholarship as afforded by the University examination. That ordinance not only ignored the pecuniary circumstances of an applicant, but expressly stated that they should not be taken into consideration. There could be no words more strong than those he had quoted to indicate that it was the intention of the founder that those who were to have the benefit of the foundation should be persons of small pecuniary means. He knew that there was a difficulty as to the construction of the word *indigentes*, which occurred in the statutes of Oriel; but he did not think that difficulty could be urged by the Commissioners, as they had themselves undertaken to explain it. In this very ordinance they had, in his opinion, rightly interpreted the word as intending to denote deserving persons being in need of support at the University. The founder had undoubtedly intended to give eleemosynary assistance to promising youths desirous of education but unable by their own means to bear the expenses of the University. In his judgment that was not only a proper and judicious, but a laudable and beneficial provision. From the foundation of those statutes down to the present time nothing had tended so much to encourage liberal education amongst the middle and humbler classes of society as this eleemosynary system of education, which by the present ordinance it was proposed to do away with. Hundreds and hundreds of persons now living gratefully acknowledge the benefits they derived from that system, without the aid of which they would not have been able to cultivate their talents in the way they had done. The statutes of the founder provided for the exclusive education of persons of good character, though in indigent circumstances. The college did not go so far as that, but only wished that in taking into consideration the claims of the different parties to fellowships, they should be allowed to have regard, as one element, to the pecuniary circumstances of the candidate. Nothing could be more moderate than such a wish, and it is rather remarkable that the Commissioners themselves should appear to entertain the same view. The ordinance of the Commissioners provides that no person should be ineligible on the ground of indigence. They admitted that; but refused to recognise the preference which the ancient statute awarded to indigence. But why, he knew not; but it was said that in consequence of the private communication from the members composing the minority of the college, the Commissioners subsequently altered the ordinance which the college had already accepted, and went so far as absolutely to prohibit the college from taking into consideration the pecuniary circumstances of the candidate, which the founder meant to form the great claim for eleemosynary assistance. The clause, as revised, ran thus:—

> "In elections to fellowships within the college no person shall be entitled to preference or be declared ineligible by reason of his place of birth, or by reason of any statute or rule limiting the number of fellowships tenable at any one time by nature of the same town, city, county, diocese, or other place, or by reason of his pecuniary circumstances."

They absolutely prohibited that which the founder declared to be one of the main conditions on which parties should be admitted to participate in his bounty, by declaring that their circumstances should not be taken into consideration as a ground for preference. That clause, on being sent back to the college, was rejected on a division; but, nevertheless, it being persevered in by the Commissioners, it was ultimately accepted by the college. Now, that seemed to be, in the first place, a strange departure from the clearly-expressed and benevolent intentions of the founder; but it was also a strange mode of conducting business, to send down a statute, have it accepted, and then, when urged by a minority to make an alteration in it, and force it down the throats of the majority of the college, notwithstanding their opposition to it. Therefore, he said, they were injuriously affecting the character of the college and of the University by striking out the provision giving preference to the claims of poverty. What was the most prevalent complaint they had heard with regard to the University at the present day? The complaint was that the entrance was so expensive, that it was necessarily confined to a small portion of the community. The wish of the founder of this college was, however, to diminish the expense, and to enable persons of small means to meet it. And with this complaint staring them in the face they diminished still further the narrow facilities afforded to persons of the humbler classes who were desirous of a University education; so that in effect it would appear, according to their notions, that property and not poverty should be the qualification for the possession of those intellectual attainments. Unfortunately the powers of the Commissioners were so ample, and the means of resistance on the part of the colleges so small, that whatever the Commissioners declare shall be the law must necessarily be the law. The colleges in this case voted against the acceptance of this provision; but they could not at the same time say that the provision would prove injurious to the college as a place of learning, because it was possible that persons more intelligent, more learned, and more brilliant than before might be educated under the new rule. Their main objection to it was that they considered it would interfere with the beneficial arrangements of the founder, and consequently there would be an abuse of the original intention of the founder in adopting it. It was true that the Commissioners recognised to a certain extent the rights of poverty, for there was a provision by which one-fifth of the fellowships might be suspended for a certain period of time, in order to provide emoluments for a small number of scholars of £60 each; but the provision made by the founder for this class amounted to no less than £4,500 a year. All that money was now taken away, and applied to the establishment of the professors of the University, and to the payment of the grants to fellowships. While for the humbler classes, the miserable pittance of £240 was distributed amongst four scholars, at the rate of £60 a year each; and that only when five fellowships had been abated. The ordinance had been laid on the table of the House, not for the purpose of being amended, for that could not well be done: the only power their Lordships had in respect to it was to address the Crown that the ordinance might not be sanctioned by the Crown. He, for one, had no wish to take that course. He had no wish, on the whole, that this ordinance should not be sanctioned; but it appeared to him to be framed in contradiction to the main designs of the founder. It was also at variance with the original intentions of the Commissioners, and with that which the college had at first accepted. He did not propose to make any Motion on the matter, but perhaps the noble Earl opposite would explain under what circumstances that extraordinary change had taken place, and upon what grounds the Commissioners had decided that the comparative merits of the claimants to scholarships and fellowships should be decided altogether apart from their pecuniary circumstances, in complete defiance of the wish of the founder.

THE BISHOP OF DURHAM said, that it was necessary for the Commission to take the general circumstances of the matter into their consideration. The words *humiles alumni* occurred in many statutes, especially in those of Merton College, and there was no more reason for retaining them in Oriel than in any other college. They knew that young men, in the days when the foundation was made, were elected fellows at thirteen or fourteen, for the purpose of gratuitous education. They were then educated by Professors, but now they were educated by tutors. Oriel College had deviated as well as other colleges from the express words of its founder, but it was only in order to make their foundation more conformable to the spirit of the age. Suppose there were several candidates, and the poor man was, intellectually, the worst qualified, and was to be elected Fellow, the consequences would be very inconvenient; and surely if of several candidates the most eligible in point of intellectual and other qualifications happened to possess larger pecuniary means than the others, that circumstance ought not to be held as a disqualification. The old rules as to *indigentes et humiles* virtually had become obsolete. They had not put the poor man in any worse condition than he was in before. They had increased the number both of exhibitions and scholarships, placing the poor young student much in the same position as he was in 1250, or the century when the foundation was made. The words of the ordinance gave a wide scope to the admission of every qualification, and the words were studied for that purpose especially, to introduce young men of high moral qualification. The pecuniary qualification for fellowships had been expressly abandoned on account of the difficulty and abuse to which it was subject, and that abandonment had been officially approved.

The Commissioners themselves explained that they had not precluded the college in other cases from admitting pecuniary considerations.

The Bishop of ST. ASAPH as one who, under God, owed all the advantages he had gained in life to an eleemosynary foundation, was desirous of stating generally the description of the foundations which, in his opinion, should exist in the University. He thought the noble Earl opposite would see there were reasons why pecuniary considerations should be entirely excluded from the selection of Fellows. University foundations were divided into fellowships, scholarships, and exhibitions. In the latter case he could not help believing there would be great advantage in making poverty an element of consideration in conferring them, and exhibitions might wisely be given to the sons of poor clergymen, to enable them to prosecute their studies at the University. This was an advantage which he had experienced in his own person. With respect to fellowships, however, the case was different; the Fellows were the governing body, and should be selected from the most capable men, without regard to their pecuniary means. In the intermediate step of scholarships he thought poverty ought not to be taken into consideration.

Lord REDESDALE thought it was extremely desirable that foundations should be maintained for the encouragement of persons of small means to reside at the Universities, and complained that poverty was specially excluded in the words of the ordinance.

The Bishop of LONDON considered that they were greatly indebted to the Parliamentary Commissioners for having done that which was found fault with by the noble Earl. If these colleges could carry out that which was required, and in every examination were to admit candidates on equal terms, and then at a future period to consider how much Greek was to stand against how much poverty, he thought the examination would be greatly injured. He did not mean to say that poverty should be altogether excluded from consideration, but what he contended was, that they ought to endeavour practically to carry out the intentions of the founders, and not by slavishly following the mere letter lose the whole spirit of the injunctions. The object of the founders was, no doubt, that poor young men should be enabled to study in their early youth, and the Parliamentary Commissioners having those intentions in view, founded some exhibitions in which poverty would be assisted. The colleges, it should be remembered, had grown up to a position never contemplated by their founders; they had become the governing body of the University, furnishing the teachers and instructors; the Commissioners, therefore, were wise, as it appeared to him, in deciding that they would not permit teachers to be selected on the ground of property but only on the ground of merit.

After some remarks from the Earl of Harrowby and the Earl of Derby,

Motion *agreed to;* Bill read 2^a accordingly; and *committed* to a Committee of the Whole House on *Thursday* next.

REMOVAL OF IRISH PAUPERS.

OBSERVATIONS.

The Earl of DONOUGHMORE rose to call the attention of their Lordships to the laws in force for the removal of Irish-born poor from parishes in England and Wales; and to ask whether it was the intention of the Government to propose any Amendment in those laws. In 1854 the Government now in office proposed a measure for the abolition of the law of settlement in English parishes. It was admitted by them that if Parliament were to enact that the power of removal of English paupers should cease, it would be highly unjust to continue to remove Irish paupers from English parishes, and that therefore such an extension of the principle must take place. The measure, however, was not persevered with, and the reason assigned for abandoning it was the decided disinclination on the part of English parishes to extend the provisions of the Bill to the Irish poor. Subsequently a Committee, composed of Members of the other House of Parliament, sat for two Sessions upon the subject to which it related. That Committee took a large amount of evidence, and agreed to a report in which, although they did not go to the extent which the evidence would have justified, they recommended that some relaxation should be made in the law of removal as it now stood. They had, in the first place, recommended that the warrant of removal should be made out in open court; secondly, that the depositions of the witnesses on whose testimony the warrant was granted, should be taken down in writing; that a copy of the warrant and depositions should be sent to the board of guardians of the parish in Ireland to which the pauper happened to belong; and that power should be given to the union authorities in Ireland to appeal against the order, and to make use of the rates of the union in the prosecution of that appeal. They had also advised the adoption of other relaxations, and among them the reduction of the period entitling a pauper to the privilege of irremovability in this country from five to three years. Such was the report of the Committee; but without adverting to it further, he might inform their Lordships that the Irish poor law, in connection with the question of settlement, differed materially from that which prevailed in this country. In Ireland, indeed, there was no law of settlement at all. The Irish poor law enacted, that wherever a person became destitute there he should be relieved, no matter from what quarter of the world he might have come. The matter of chargeability had to be arranged afterwards between the union and the electoral division in which the pauper became destitute. But to revert to the system in this country, he should wish to point out to their Lordships the practical results of the mode in which it worked. Irish paupers came over here in large numbers, and were employed for harvest purposes and in the more severe forms of labour—indeed, their services in that capacity had now become necessary to England. What was the consequence? Young men and young women came over; they resided here for a period of fifteen, twenty, or twenty-five years; they married and had families in this country; yet after having spent the best part of their lives in contributing to the increase of English capital and to the production of English wealth, they were, the moment that sickness or accident might have reduced them to poverty, liable to be told by the poor law authorities that in England they were not entitled to relief. Well, what was their position when they were sent back to Ireland after the lapse of the period of twenty or twenty-five years as he had just suggested? The great probability was, that when they returned to their native place they found that their parents were dead, that the other members of their family had emigrated—and he might state, of his own knowledge, that he knew instances in which paupers sent back to Ireland had been unable, in the neighbourhood in which they had been born, to discover a single relative or friend. But that was not the only mode in which the present system of removal operated as a hardship. Sickness and misery of every kind were endured by those unfortunate persons on board the steamers and sailing vessels into which they were huddled. The way in which they were transported across the Channel was such as had that evening called for their Lordships' sympathy in the case of the African slaves, and when they arrived upon the Irish coast they were landed upon the crowded quays of Dublin, Belfast, or Waterford, frequently amid all the inclemency of a winter morning, and at a distance, perhaps, of 100 miles from the parish to which they originally belonged. Now, that was a state of things which, in his opinion, loudly called for the interference of the Legislature. He was perfectly aware of the difficulties standing in the way of Government dealing with this question; for he felt that if they meant to deal in a liberal spirit towards Ireland they must be prepared to oppose themselves to the narrow selfishness of the parochial authorities of this country. Owing to the great number of Irish paupers who had, during the famine of 1847, come over to the western coast of England, the poor-law authorities of Liverpool, Bristol, and other places similarly circumstanced, might object to any proposal by which they would be saddled with a population of that description. But 1847 was an exceptional period. The social condition of Ireland had since then been greatly changed, and, even though a famine should again occur in that country, it was by no means probable that that state of things would be brought about, of which the poor law authorities of Liverpool complained before the Committee. He trusted, therefore, that the Government would take the subject into their serious consideration. In the Session of 1856 they had proposed a measure with respect to it, in which he regretted that they had not persevered. That measure had, it was true, met with opposition from some Members of the other House of Parliament connected with Ireland, who did not think it went far enough. He was, however, of opinion that a different course should have been adopted upon that occasion, and that those Gentlemen should have accepted the Bill as an instalment of those improvements in the present law which they were entitled to expect. He should, in conclusion, ask his noble Friend the President of the Council whether the Government had any measure under their consideration by means of which the grievances to which he had called their Lordships' attention might be removed, and the recommendations of the Committee of 1855 carried into effect.

THE EARL OF DESART tendered his thanks to his noble Friend who had just spoken for the manner in which he had brought the subject under the notice of the House, and expressed a hope that the Government would introduce some measure to amend the present law of removal.

EARL GRANVILLE concurred with the noble Earl opposite (the Earl of Donoughmore), in thinking that great injustice was sometimes inflicted upon Irish paupers under the operation of the existing system. The Bill of 1856, however, to which the noble Earl had alluded, which had been introduced upon the recommendation of the Committee of 1855, and which had for its object the removal of that injustice, had been most violently opposed, not only by English and Scotch Members, but also by the representatives of Ireland. It had in consequence become quite impossible to pass it through the other House of Parliament, and he did not therefore think it would be wise upon the part of the Government, when many important measures were pending, to bring forward a Bill which would not be likely to obtain the support even of those whose assistance it was most natural to expect.

THE MARQUESS OF CLANRICARDE bore testimony to the fact that great inconvenience resulted from the present state of the law. In reply to the observation of the noble Earl (the Earl of Donoughmore), that there was no law of settlement in Ireland, he remarked that such was not exactly a correct statement of the case, inasmuch as the chargeability of a pauper upon an electoral division operated to some extent as a law of settlement. What was required in Ireland, he contended, was not alone an alteration of the law of removal in the case of paupers sent over to that country from England, but in the working of the law within the limits of Ireland itself. As things now stood a pauper landed in Ireland became at once chargeable on the rates of the port at which he happened to disembark, notwithstanding that Mayo or some other county might be the place to which he originally belonged.

THE EARL OF CLANCARTY complained that while the English unions had power to ship off Irish paupers who had become chargeable, the Irish unions were in that respect quite helpless. The subject was one of great importance, and would, he hoped, be taken up by the Government.

LORD STUART DE DECIES hoped that, as a member of a board of guardians in which the inconvenience arising from the present state of the law was heavily felt, he might be allowed to state two cases of great hardship. The cases to which he referred had occurred in the borough of Dungarvan within the last year. The first was that of a man who, having obtained an English settlement by residing eighteen years in one place, removed to another in search of temporary employment. Failing that, his right of settlement in his first place of residence was denied, he was shipped off to Ireland, and was now chargeable to the Dungarvan Union. The second case was that of an Englishwoman with a family of five children, who having been deserted by her husband applied to the union. The guardians were obliged to admit her, and were now maintaining her without the slightest power of sending her back to her own country. More than that, it so happened that she and her family constituted nearly the whole of the Protestant inmates of the workhouse, and application had been made by the Protestant chaplain, whose present salary was £10 a year, for an additional £10, in order that he might be the more able to administer to her spiritual consolation. But he believed that such cases were not uncommon, and therefore he concurred with the noble Lords who had spoken in pressing upon Government the necessity of taking the subject into their serious consideration.

LORD MONTEAGLE said, that it would have been impossible to delay legislation so long on the subject, but for the wonderful improvement in the condition of the Irish people. The complaint was not now of the excess of Irish labourers in England, but of their scarcity, the improved scale of wages in their own country abating the temptation to emigration. But this afforded the strongest reason for taking the matter in hand, as a time of difficulty and distress would be the worst possible moment for legislation on such a subject.

Lord REDESDALE said, that the reciprocity argued for by the noble Lords connected with Ireland was a genuine Irish reciprocity, being all on one side. He would engage to prove that a vast deal more money was spent in the English unions on Irish paupers than ever was spent in the Irish upon poor from England. As to the case of the Irish labourer who had lost his settlement, the same would have happened to an English labourer in similar circumstances, as it was an incident of the law of settlement. In the case of English paupers in Irish unions, he did not think there would be any objection to a powever of removal; but with respect to the sea-ports, it should be remembered that burden was much more heavy in Liverpool and Bristol than it could be in Cork or Belfast. The question was one of great difficulty, but they might depend upon it the advantages arising from the present state of the law were all on the side of Ireland.

The Marquess of WESTMEATH, alluding to the noble Lord's charge that the reciprocity in connection with the law of poor relief was a one-sided reciprocity, begged to remind him that if there was an influx of Irish paupers on our shores the cause was to be found in English legislation, which had deprived Irish landlords of the means of improving the condition of the Irish peasantry.

House adjourned at a Quarter to Eight o'clock, to Thursday next, Two o'clock.

HOUSE OF COMMONS,

Tuesday, June 30, 1857.

Minutes.] Public Bills.—1° Superannuation; Conveyance of Mails by Railways.

BODMIN ELECTION.

WITHDRAWAL OF PETITION.

Mr. SPEAKER acquainted the House, that he had this day received a Letter from Messrs. Baxter, Rose, and Norton, as Agents for Henry Dann and Richard Marks, informing him that it is not their intention to proceed with their Petition complaining of an undue Election and Return for the Borough of Bodmin:—Letter read, as follows:—

"3, Park Street, Westminster,
June 29th, 1857.

"Sir,—As Agents for Henry Dann and Richard Marks, in the matter of their Petition delivered in on the 20th day of May last, complaining of an undue Election and Return for the Borough of Bodmin, we hereby beg to inform you that it is not intended to proceed with the said Petition.

"We have the honour to be, Sir,
"Your very obedient Servants,
"Baxter, Rose, and Norton.

"To the Right Honourable The Speaker
of the House of Commons."

Mr. WYLD said, that the petition was withdrawn altogether contrary to his wishes. It was a gross libel against his conduct and integrity, and against that of his constituents, which the forms of the House prevented him from punishing. He should, however, at the evening sitting, call the attention of the House to the matter, and ask Mr. Speaker to place the documents connected with it in the hands of witnesses that he might proceed against the parties in the courts of law.

SOUTH-EASTERN RAILWAY (GREENWICH JUNCTION TO DARTFORD, &c.) BILL.

THIRD READING.

Bill as amended, *considered.*

Lord ALFRED PAGET said, he rose to move that this Bill be ordered to be read a third time. It was not until the previous evening he had ascertained that there was any intention to oppose the measure. A Committee had, for fourteen or fifteen days, sat upon it, and unanimously recommended it to the House. The opposition took them completely by surprise, else the Members of the Committee would be present to defend their decision. Under these circumstances he thought it would be a monstrous thing for the House to set their decision aside by rejecting the Bill.

Motion made and Question proposed, "That the Bill be read the third time."

Sir EDWARD DERING said, he would move as an Amendment that the Bill be considered that day three months. As a general rule the House ought, he admitted, to abide by the decisions of its Select Committees, unless when those decisions were founded upon erroneous principles, as he thought he could show was the case in this instance. In 1853 the House of Commons sanctioned the formation of a line from Stroud to Dover, thereby connecting the arsenal of Chatham with the most important of the Cinque Ports; and so important did they consider the project, that they dispensed with the Standing Orders in favour of the measure authorizing it, and released £50,000 to enable the East

Kent Company to make the extension from Canterbury to Dover, exacting a pledge from the South-Eastern Company not to interfere in the matter. In consequence of the East Kent Company being so encouraged, the works were undertaken, the tubular bridge put across the Medway at Rochester, and a large portion of the line proceeded with. In 1857 it was discovered that the traffic upon the North Kent line was crowded, of which they had a proof in the lamentable accident which had happened the other day; and hence the application for the present Bill, contrary to the pledge that the South-Eastern Company would not interfere with the East Kent Company in the construction of an independent line, with a terminus in the west end of London. The Bill had no clause authorising the construction of such a terminus; but the Committee in deciding in favour of the South-Eastern Company, had required a pledge that it would come before Parliament next Session for power to construct one. As that was the case, he did not see how it would act as a hardship upon them if the Bill before the House were postponed to next Session, especially as the Committee had decided in its favour, because they considered the construction of the East Kent Company's line would be prejudicial to the South-Eastern Company. In that they had clearly outstepped their province, as he contended that that was a question with which the Committee had nothing to do. It was not for them to say whether there should or should not be competition between the South-Eastern and the East Kent in the face of the principle asserted by Parliament, which had already declared that there should be competing lines between London and Dover totally independent of the South-Eastern Railway. The question which they had had to try was the respective merits of the Bills submitted to their consideration, and they had passed the present Bill though they admitted it to be a bad Bill; for the Chairman himself said, and these were his own words, "that they had come to a decision, he must say rather reluctantly, that they would grant the green (the South-Eastern) line; at the same time he must say that it did not satisfy them in all respects as to what ought to be done for the accommodation of the public." Considering, then, that, by the adoption of this Bill, the whole of the continental through traffic, as well as the whole county of Kent, would be handed over to the South-Eastern Company, that the policy of establishing an independent line would be reversed, he begged to move as an Amendment, that the further consideration of the Bill be postponed to that day three months.

Amendment proposed, to leave out from the words "That the" to the end of the Question, in order to add the words "further Consideration of the Bill, as amended, be adjourned till this day three months," instead thereof.

Colonel FREESTUN, as the only Member of the Committee, said that they had considered the rival schemes for fifteen days, and after hearing all the evidence had decided in favour of the present Bill. He therefore considered that it would be a flagrant wrong to set aside their decision.

Mr. BERNAL OSBORNE said, he wished the hon. and gallant Member for Weymouth (Colonel Freestun) had given the House some of the reasons which induced the Committee to come to their decision. He had no doubt all the Members of the Committee were actuated by the best intentions, but they had, he thought, proceeded upon false and mistaken grounds. Indeed, it would appear that the South-Eastern Company were themselves the committee, so completely were their interests attended to. As to the flagrancy of setting aside the decision, what, he asked, would be the use of the House of Commons at all if it were not to control whatever might be done by five or seven Gentlemen above stairs sitting in Committee? The House was told that the Committee had sat for fifteen days, and he verily believed that during that time the Members of it had become completely obfuscated, as they put the public convenience altogether out of the question, and recommended the present Bill in one of the most extraordinary Reports ever presented to the House, the public having been entirely thrust out of sight, whilst the South-Eastern Company was put forward in everything. The Chairman, speaking for the Company, stated that it was with reluctance that they decided as they had done; so that their unanimity was, after all, a reluctant one, and he added that they were not satisfied that it would be for the accommodation of the public, but because they thought the East Kent project would be prejudicial to the interests of the South-Eastern Company they determined to recommend the present Bill to the House. If the House were now upon such a Report to confirm the decision they had arrived at, it would shake the public confidence in Select Committees altogether. He hoped, however, none of the railway directors, one of whom he saw behind him, would vote on the question. As to what they might say upon it, he did not care two straws.

MR. RICH said, he was one of the directors of the South-Eastern Railway, and might be looked upon as having a personal interest. Still he was of opinion that when companies petitioned for powers to carry out any great undertaking, the House had serious and important duties to perform; and one of those duties was, to see that the public weal was first considered. But the public weal could never be properly considered if a total disregard was shown to the interests of the companies which were conducting works that would tend to the promotion of the public weal. ["Oh, oh!"] The hon. Member might cry out "Oh!" at that; but the principle was as clear as the sun at noonday to every hon. Gentleman who had fairly weighed the rights and privileges of these great companies. The decision to which the Committee had arrived was founded upon the relative merits of the two lines. His hon. Friend the Secretary to the Admiralty had asked the House if they were prepared to hand over the whole county of Kent to the South-Eastern Company in preference to having an independent line. His hon. Friend had shown his bias in favour of his constituents, for it was from Dover that this opposition proceeded; but he would ask his hon. Friend whether he believed that the East Kent Company would give them an independent line? Did he not know as well as that he was then sitting in that House, that the question was one of barter—that the East Kent Company had for years—aye, from the time of its creation, been endeavouring to negotiate the sale of its line to the South-Eastern Company — that, in short, the question had come to this, how much they could screw out of that company? [Sir E. DERING: No!] His hon. Friend did not know. He (Mr. Rich) could show him documents to prove it. If, then, they had obtained the additional line, they would only have had a heavier screw, and been able to insist on a better bargain. [Sir E. DERING: No!] His hon. Friend said "No." He repeated he was ready to show him the papers to prove it. The East Kent Company had been got up by its late deputy chairman, the late Mr. J. Sadleir, of dishonourable notoriety, and its contractor had failed. Legitimate competition was to be encouraged, but not that got up by interested attorneys, stockjobbers, and contractors. He, therefore, called upon the House, then, to pause before it determined to throw out a Bill which had received the unanimous approval of its own Committee.

SIR BROOK BRIDGES contended that the East Kent Company had been called into existence by the demand of the nation for a direct line of railway to Dover with a west-end terminus. The public convenience was undoubtedly the first thing to be considered; and it was rather a peculiarity in the present case, that they were engaged in discussion at a moment when, through the wants of the public not being met and satisfied by the South-Eastern Company, one of the most terrible accidents on record had taken place. Ten or twelve lives had been lost within a few hours of the time he was then speaking; and upon what line? Why, upon the very line which the East Kent Company was endeavouring to relieve of some of its over-crowded traffic. Even if the South-Eastern Company carried out their proposed line, the traffic would remain quite as great at the point where that accident had occurred as it was now. The necessity for the East Kent line was also made manifest during the time of the last war, as for military purposes the South-Eastern line was too much exposed to an attack from an enemy. He did not ask the House to give a preference, at this moment, to one line over the other; all he contended for was that the line which did not give the public the security which it had a right to demand should, at all events, be deferred for another year.

SIR BENJAMIN HALL said, that there were times when the House should feel no hesitation in setting aside the decisions of a Committee. He had been twenty-five years a Member of that House, and had never seen such a Report as the one upon the table. If it meant anything it meant that the Committee had been undecided as to the course which they ought to pursue. He was of opinion, therefore, that the Bill should be allowed to stand over for another year, in order that the matter might be reconsidered by the competing companies, and some line presented to Parliament which would satisfy the public at large. He spoke solely on behalf of the public, as it was his duty to do in his official capacity, and in connection with the great improvements which were now going on in the metropolis. According to the Bill the terminus of the line was to be at London Bridge, and everybody knew how over-crowded that was already; whereas the competing line, instead of making a turn to that point, proposed to go to the west-end, and have another terminus on the other side of the water, which would draw away some of the immense traffic which was now concentrated at London Bridge. It was, therefore, better that the Bill should stand over until the next Session, and that Parliament should not allow itself to be dictated to by the great railway companies.

Mr. BENTINCK observed, that he agreed with the right hon. Baronet that the House should not sanction the principle that the decisions of the Select Committees were not to be subject to the review of the House. After reading the Report and listening with the utmost attention to the various remarks which had been made, he must say that there appeared to be the strongest possible ground for the postponement of the Bill. Indeed he thought the House would be neglecting its duty if, after the lamentable accident which had just arisen from the over-crowded state of the North Kent line, it did not refrain from sanctioning any other scheme until it had time to consider whether the recurrence of such a catastrophe might not be prevented by the construction of a railway arriving at a different terminus.

Mr. GILPIN said, that as a director of the South-Eastern Railway Company, he wished to say a few words in defence of the Report of the Committee, and to assert that if the line now sanctioned by them had been carried out no such accident as they were then deploring would have occurred. It was not necessary for an hon. Member to sit on a Committee in order to have his wits "obfuscated." The language of some of those who had opposed the Bill that day created a presumption that their own minds were in that unfortunate condition.

Mr. BERESFORD HOPE said, competition might be allowed in Kent if it were a large manufacturing district. He had never held a share in the South-Eastern Company, nor did he ever intend to do so, but he lived in a district which that Company amply accommodated, and, therefore, he did not wish to see its powers of providing for the public accommodation crippled, as the setting up of a rival shop would do by drawing away their profits, and preventing them keeping up the number of pointsmen, guards, and other servants whom they at present employed to take care of the public safety. He must also protest against the late accident being used as an argument *ad invidiam* against the Bill. All the opposition offered to the measure by the people of Dover arose from their eagerness to get to London an hour or two sooner. He did not blame them for that, but this was a poor reason for sanctioning a competition that would ruin both of the rival companies, and disable them from providing for the safety and comfort of the travelling public.

Colonel FRENCH said, he thought that the interference of the right hon. Baronet the Chief Commissioner of the Board of Works, in his official character, was quite uncalled-for in this matter, and, although he would admit that the House had full power to overrule the decisions of its Committees, yet no single argument had been adduced of sufficient weight in the present instance to induce him to disregard the Report of the Committee, which appeared to have been arrived at after considerable care and investigation. He should, therefore, vote in favour of the original Motion.

Sir JOHN SHELLEY said, that looking to the public interest he also concurred in the propriety of postponing the Bill until next year.

Mr. WATKIN hoped the House would pause before it enunciated the doctrine, that having once given to a particular railway company the privilege of making a line from one point to another, it was prepared to encourage speculators to come forward and depreciate the property of those to whom the country alone looked for the necessary accommodation. It was not the Chief Commissioner of Works or the Secretary of the Admiralty that they must ask for the authoritative opinion of the Government upon a question like the one before the House. If they wanted advice as to railway policy they must turn to the Board of Trade. And where was that Board to-day? Surely if it had considered that there was anything in the Bill that was inimical to the public interests, the right hon. Gentleman the Vice President of the Board of Trade would have been there to tell them what were the *bonâ fide* opinions of the Government about the matter. But, so far from that being the case, that Board was not represented in the House on the occasion. A good deal of stress had been laid by the hon. Member for Dover (Mr. B. Osborne) upon certain words which he had read from a paper before him, and which he gave the House to understand was the decision of the Committee—he meant the statement that the Committee had arrived at their decision "rather reluctantly." Why, there were no such words as these in the whole of their Report. The House had nothing before it of the kind; and it could not be called upon to act on what might have fallen from the Chairman of the Committee, and which had been printed since by hon. Gentlemen opposed to the Bill. He would express his hope that the Resolution of the Committee would be affirmed, as the line which they had recommended was necessary to the convenience as well as the safety of the South-Eastern Company's traffic. The system of canvassing hon. Members to vote, whether for or against private Bills, which had been resorted to in this instance, was disgraceful.

MR. T. DUNCOMBE remarked, that he thought that there appeared to be some very extraordinary concert and canvassing among the representatives of the Government present, and some misstatements had been made, that the Committee had in their Report stated that they had come to their decision with extreme "reluctance." Now, the Board of Works might do many great things, but they could not find such a word as "reluctance" in the Report of the Committee. He had never been connected in any way with the railway interest, and having heard no sufficient reason for repudiating the report of the Committee, he should give his vote against the Amendment.

MR. COBBETT said, that the course proposed, of throwing overboard the Report of the Committee without any evidence, was one in accordance with neither law nor justice, and was, he could hardly help thinking, somewhat insulting to the Committee. At all events the House ought not to overrule the decision of the Committee until the hon. Members of the Committee were present to take part in the discussion. He referred more especially to the hon. Chairman who was at present absent at Quarter Sessions.

MR. FITZROY said, that although the question had been discussed for a considerable time, not a single fact or feature had been brought forward to show that the Report of the Committee ought to be rejected. If the present Bill were passed, there was nothing whatever to prevent the East Kent line from bringing forward its own Bill in another Session. That Company had not even thought it necessary for its own protection to petition against this Bill. The East Kent line was to go by St. Mary's Cray and Bromley, coming into the western part of the Metropolis. The scheme now proposed was to make a branch from Dartford to a point on the Greenwich line, in order to avoid Woolwich and Greenwich, and thereby relieve that portion of the South-Eastern Company's line on which the late accident had taken place, by avoiding the crowded site of that deplorable occurrence. He would grant that the Committee had stepped out of the usual course in presenting such a Report; but the House must have something more practical — must have proof that upon the merits of the question the line ought to be rejected—before it resolved on adopting the Amendment of the hon. Baronet the Member for Kent.

THE EARL OF MARCH remarked, that he also must complain of the conduct of the hon. Member the Secretary of the Admiralty, in imputing motives to the Committee.

MR. BERNAL OSBORNE denied that he had imputed motives. He only said that they might have been "obfuscated" by the heat of the weather.

THE EARL OF MARCH proceeded: as he had not heard any grounds for rejecting the Report, he should vote against the Amendment.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill to be read 3°.

FINSBURY PARK (No. 2) BILL.

SECOND READING.

Order read, for resuming Adjourned Debate upon Amendment proposed to be made to Question [23rd June], "That the Bill be now read a second time;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

MR. COX said, the Metropolitan Board of Works had accepted the Vote of the

House, on the last occasion this Bill was discussed, as a refusal to grant the £50,000 towards the construction of the park; but that the Board had, nevertheless, determined to proceed with the Bill, and to tax the whole of the metropolis for the expenses. He hoped, therefore, that as the present Bill had nothing in it respecting the grant of the £50,000, the hon. Member for Lambeth (Mr. Williams) would withdraw his opposition.

Mr. W. WILLIAMS said, that the feeling of the House appeared to be decidedly against the grant of public money for Finsbury Park. Under present circumstances, however, he would ask leave to withdraw his Amendment.

Mr. SOTHERON ESTCOURT said, he was glad the matter had been so arranged, but he would take the liberty of suggesting that in the case of these improvement Bills a graduated scale of taxation might be adopted, so that those parts of the metropolis which received the greatest benefit should bear the larger amount of the burden.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed.*

BANKRUPTCY AND INSOLVENCY (IRELAND) BILL—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 153.

Mr. BLAND suggested that a clause should be introduced to the effect that where an insolvent Joint-stock Company was to be wound up, if proceedings were first taken in the Court of Chancery, other proceedings which might be taken in the Court of Bankruptcy should cease after the appointment of assignees until the proceedings in the Court of Chancery were concluded; and, on the other hand, if proceedings were first taken in the Court of Bankruptcy, proceedings in the Court of Chancery should not be taken until those in the Court of Bankruptcy were concluded.

Mr. VANCE agreed that insolvent companies should be wound up by one tribunal, and he thought the best was the Bankruptcy Court.

Clause *agreed to;* as were clauses up to Clause 160, inclusive.

Clause 161.

Mr. BLAND proposed to strike out certain words, and to insert the following:—

"No action, suit, or other proceeding, shall be taken by any creditor of a company without leave first had and obtained."

An act of bankruptcy committed by a Joint-stock Company ought to have the same effect as a bankruptcy of partners, and the right of the creditors to sue individual shareholders should be limited. The ruinous consequences of the opposite principle had been painfully exemplified in the case of the Royal British Bank.

Mr. J. D. FITZGERALD said, he preferred striking out the clause altogether, and introducing another clause on the Report restricting the right of a creditor, in a case of bankruptcy, to sue any member of a Joint-stock Company without leave of the Court, but at the same time giving the Court certain powers to prevent a shareholder from either removing his person out of its jurisdiction pending an inquiry in bankruptcy or parting with his property. He hoped, therefore, his hon. Friend would not press his Amendment, but allow the clause to be struck out.

Mr. BLAND withdrew his Amendment.

Clause *struck out.*

Clauses 162 to 346 *agreed to.*

Mr. VANCE said, he proposed to strike out the "arrangement" clauses, extending from Clause 347 to 357, both inclusive. He much preferred the "arrangement by deed" clauses, which were contained in the English Act. The clauses to which he objected, though always extant in the Irish Bankruptcy Act, had never been brought into operation, owing to the great dislike entertained of them by the mercantile community, and the privacy with which the whole matter would be conducted under them. He had placed on the paper an Amendment to expunge them; but in the present state of the benches—(there were seven hon. Members in the House, of whom three were English and the rest Irish)—he would not press the Amendment.

Mr. J. D. FITZGERALD said, it was perfectly true that the arrangement clauses in the Irish Act had not worked, only six petitions altogether having been presented under them. The reason was that there were so many difficulties and technicalities in the way that it was found impracticable to work them; and the clauses as they stood in the Bill would simplify the proceedings, at the same time that they would preserve the safeguards which prevented fraud.

Amendment *withdrawn.*

Remaining clauses *agreed to.*

House resumed.

Bill *reported;* as amended, to be considered on *Monday* next.

REGISTRATION OF TITLES.

QUESTION.

MR. GREER said, he would beg to ask the Attorney General, whether he proposes to introduce a Bill during the present or the next Session of Parliament, for the Registration of Titles to Property in Land; and whether any such Bill will be in accordance with the Report of the Commissioners appointed to consider that subject, which has lately been submitted to Parliament; and also, whether provision will be made for continuing the benefit of a Parliamentary Title to purchasers from the Incumbered Estates Court in Ireland, and for adopting the maps of the Ordnance Survey, now completed in that country, as an index to the register of titles in Ireland?

THE ATTORNEY GENERAL said, that the Report of the Commissioners appointed to consider the subject of the Registration of Titles to Property in Land was not presented to Her Majesty until, he believed, four or five weeks ago. It was thought desirable that that Report should be circulated, and that the criticisms of the profession thereon should be obtained, before any steps were taken to embody the recommendations of the Commissioners in a Bill. If he had seen the probability of passing a measure of such great importance during the present Session, he should have been more eager to bring the subject before the House. He trusted, however, that there would still be time to bring in a Bill before Parliament was prorogued, not with any belief that it could be adequately discussed during the remainder of the Session, but merely that it should lie on the table for consideration until next year, when it would be formally presented to this House. The measure would be in accordance with the Report of the Commissioners.

MUTINY IN INDIA—QUESTION.

COLONEL FRENCH said, he would beg to ask the right hon. Gentleman the First Lord of the Admiralty, whether it is true that previous to the intelligence of the late disaster in India reaching this country, the East India Company had applied to the Admiralty for transports to take out troops, and that that application had been refused? He also wished to know, whether it is the intention of Her Majesty's Government to send out reinforcements in sailing vessels, or in steam vessels belonging to the navy, which at present were lying idle.

SIR CHARLES WOOD said, it was not true that any application had been made by the East India Company for transports, and consequently it was not true that any such application had been refused. It was not the intention of Her Majesty's Government to send out Queen's vessels with the reinforcements, as hired vessels were more speedily prepared for the conveyance of large bodies of troops.

BODMIN ELECTION.

OBSERVATIONS.

MR. WYLD stated that, inasmuch as the House did not seem disposed to give proper protection to the character of its Members, it would be his duty, at another time and in another place, to avail himself of the ordinary forms of law in order to clear his own character, and that of his constituents, from the stains which had been cast upon them by a certain election petition.

THE BALLOT—LEAVE.

MR. H. BERKELEY said, he rose to ask leave to introduce a Bill to cause the votes of the Parliamentary electors of Great Britain and Ireland to be taken by way of ballot. He knew not how this Motion might be met to-night; he knew that the noble Lord at the head of Her Majesty's Government was absent; but he knew, likewise, that that noble Lord had said to many hon. Members, some of whom desired to bring forward measures of electoral reform, "Wait, for I have a Reform Bill. Lo, it looms in the distance! Behold, it is a great Reform Bill; and it shall, like Aaron's rod, which devoured up all the other rods, devour all your smaller measures of Reform." Hon. Members, accordingly, had waited for that event. Now, those who advocated the ballot had not the least objection to wait, but they had an objection to do so without knowing what they were to wait for. They objected to seeing Her Majesty's faithful Commons treated somewhat after a nursery fashion—to be told that "they must open their mouths and shut their eyes, and see what the noble Lord would send them." He repeated that they were willing to wait;

but in order that they might know what they were waiting for he begged to propose a question to the occupants of the Treasury Bench. He saw two hon. Members opposite who were probably the noble Lord's *locum tenentes* this evening, so he begged to ask them this specific question, "Is it the intention of Her Majesty's Government to adopt the ballot as part of the Reform Bill next Session?" That was a very plain and straightforward question, and he trusted that he might have a plain and a straightforward answer, without any of those little flowers of diplomacy which were generally sprinkled upon Ministerial replies. If this question were answered in the affirmative he had nothing to do but to sit down, and he thought the cheer with which such an announcement would be received in that House would be echoed from every part of England. If, however, on the contrary, the answer was in the negative, then he had simply to lay his case in the best form he could before the House. He now paused for a reply—

THE CHANCELLOR OF THE EXCHEQUER said, If my hon. Friend is really serious in asking—but then resumed his seat.

MR. H. BERKELEY presumed, after the little preliminary flourish of the right hon. Gentleman that the answer he had to give could not be plain "Yes," or "No." He supposed, then, that in default of such an answer from the right hon. Gentleman, he must take it for granted that silence meant dissent. It was not, he presumed, the intention of the Government to adopt the ballot in their Reform Bill of next year. He thought, then, that he was perfectly justified in bringing this important question before the House tonight, and he trusted that he should not be met with the objection of, "Why did you not wait? Why did you not do as other hon. Members have done and postpone your Motion?" He should not upon this occasion urge any additional arguments in support of his Motion, but he should content himself with taking the objections which had been last put upon record by hon. Members and he should endeavour to give some reply to them. Nothing could be more beautiful in theory than our electoral system, and nothing could be more hideous in practice. It was perverted, it was disorganized, and all that the promoters of the ballot sought to do was to re-establish it upon a proper basis. The advocates of the ballet were not now put on the proof of the failure of our electoral system, for that was plain, palpable, and indisputable. An elector was appointed to do a simple duty—to vote as he pleased, freely and indifferently; but he could not do that by voting in public, and "Therefore," said the supporters of this Motion, "let him vote in secret." That would seem to be a very simple proposition, yet it was met with the most strenuous opposition, and the governing body refused to protect people at the polling-booth from those malign influences which beset them and which gave so many seats to a favoured class in that House: they would go any length, and would assent to any measure of reform rather than that. One of the best writers on the ballot had justly said that—

> "The aristocracy or governing classes of this country would rather yield universal suffrage, and retain the control which open voting gives them at elections, than the most moderate extension of the franchise with the ballot."

He (Mr. Berkeley) believed that to be the case, and he warned the country to beware of that spurious liberality which would extend the suffrage but refuse the ballot, because he believed that the alleged desire for an extension of the suffrage was frequently only a pretence to get rid of the ballot. He had always maintained that the ballot was the alpha of all Parliamentary reform, and he asserted that if they would only give the elector protection at the polling booth, they would soon be able to run through the entire alphabet of reform down to its omega. It was said that there was a very general agreement in favour of the extension of the suffrage. Now, he would endeavour to grapple with and to show the fallacy of the speeches of some hon. Gentlemen on the hustings who had attacked the ballot and had at the same time given in their adhesion to that extension. He had before him an extract from *The Times* of April last, which contained the report of a speech made by Mr. Disraeli at Aylesbury. The great talent of the right hon. Gentleman, his eloquence, his powers of reasoning, and the high position which he held in that House must render every word that he said upon that subject as important as it was interesting. Well, Mr. Disraeli started with this proposition,—"That everybody must agree that the ballot, without an extension of the suffrage, was an impossibility." Now, he (Mr. Berkeley) was an humble individual in comparison with the right hon. Gentleman, but he most peremptorily denied that proposition, and he asserted that he was backed and supported in his denial by some of the first authorities, both of the past and of the present day. Such, for example, had not been the opinion of Lord Durham, who was in favour of a very great extension of the suffrage; such had not been the opinion of Mr. Charles Buller, who was also in favour of a great extension of the suffrage; and such had not been, and was not now, the opinion of Mr. George Grote, who also supported an extended franchise. He (Mr. Berkeley) went as far as Lord Durham did touching the extension of the franchise. He believed a very great extension to be necessary, but he was of opinion that the elector, whatever his franchise might be, had a right to demand of the Legislature which enjoined upon him the performance of a certain duty that he should have adequate and full protection afforded him in the discharge of that duty; and he contended that they had no right to impose any duty upon an individual by law without effectually guarding that individual in the performance of such duty. He next came to an equally bold, and, as he thought, equally incorrect assertion by the right hon. Gentleman, "that the vote by ballot would be an intolerable tyranny over the non-electors." In attempting to refute these fallacies, which were, of course, admirably put forward by the right hon. Gentleman, all their weak parts being carefully concealed by most excellent words, it was necessary that they should look to first principles. Now, the laws carrying out the intention of what was called the representative constitution of this country had defined the qualification of an elector; and his duty was also defined with equal clearness—it was to select and to vote for such candidate as he might think proper without fear of punishment, without hope of reward. Nobody, therefore, had a right to question his vote, or to visit him with after consequences. He (Mr. Berkeley) was strongly of opinion that they could not contravene that self-evident proposition, but if he wished to strengthen himself in the eyes of the House, he would call into court the late Sir Robert Peel, who said upon this subject:—

> "To whom is the constituent body responsible? Is there any responsibility of any conceivable kind, except the responsibility to God, to their own consciences, and to an enlightened deliberate public opinion?"

That was the opinion of the late Sir Robert Peel, and upon it he (Mr. Berkeley) was prepared to take his stand. Since, then, the elector had the undoubted privilege of voting as he might think proper, for what purpose was open voting required? For what purpose did they want a record to be kept against every man of how he voted? What were they to gain by it according to the electoral principles of our constitution? Was there any conceivable thing which they could gain by open voting which was fair, honest, and above-board? Did open voting afford any test of an elector's having sold his vote or of his having been intimidated? Did it afford any means of punishing a corrupt elector which secret voting did not equally confer? He said that it did not, for he would undertake to prove that a conviction for bribery would be as attainable, if it took place, under secret voting as under open voting. Indeed, he should be very sorry to bring in a Bill for the adoption of the ballot into that House if he thought it would screen bribery. He would define open voting as the ratification of a treaty between dishonest men; while secret voting was the prevention of the ratification of that treaty, because it compelled one scoundrel to depend upon the word of another. In open voting the poll-book was the record by which the intimidator convicted and crushed his victims. The knowledge that that record was kept against the electors induced thousands of men fully competent to be electors to refuse to be placed on the register. The knowledge of the existence of that record compelled thousands of men who were electors to refuse to go to the poll; and the knowledge of the existence of that record also compelled tens of thousands of our countrymen to go to the poll, there to falsify their consciences and to tell a lie, to the great detriment of their country, and in the face of their God; or, to use perhaps the better phraseology of that brilliantly-written paper—*The Examiner*—it compelled the electors to go to the poll, there to tell a lie and to send the incarnation of that lie to Parliament. Mr. Disraeli told the Buckinghamshire farmers that to allow the electors to vote in secret—and that he (Mr. Berkeley) contended was to vote without intimidation as enjoined by law—would be intolerable tyranny upon the non-electors. Now, this was assuming covertly that which no hon. Member, however audacious, dared to assume openly in that House—namely, that there was a body of men in this country under whose control the electors ought to be. It meant that or nothing. When it was said that electors would turn tyrants over the non-electors if this secret voting was given them, that might be an argument for universal suffrage, but it was no argument whatever against the ballot. It was an argument for universal suffrage, because if the non-electors were to have the power to control the electors, why make tyrants of them—why not rather give them the franchise? He did not think that that could be got out of. Mr. Disraeli, of the manor of Hughenden, in the county of Buckingham, could vote for whom he pleased—he was perfectly independent of everybody; but John Brown, of High Wycombe, was not independent enough to go against his tyrant. John Brown, therefore, naturally turned to Mr. Disraeli and said, "You are a man of great importance in the House of Commons—an ex-Minister and a Privy Councillor; assist an humble man like me, and free me from my tyrant." "Go away, John Brown, go away," the right hon. Gentleman would say; "you would become a tyrant and bully, and tyrannize over the tyrant you have, if you were allowed the only remedy against the grievance of which you complain." John Brown naturally said, "Good Heavens! what a position to place me in! You recollect, Sir, the time when you stood for High Wycombe and told us that we were suffering under unparalleled tyranny, and were subject to little knots of tyrants, and now when I bring the facts before you you say, 'John Brown, I shall no longer assist you.'" The right hon. Gentleman, or any other hon. Gentleman, had a right to change his opinion, but he could not change facts, and could not help being a witness as to the terrorism which prevailed, and as to petty tyrants who existed, and whom he desired to put down. Consequently, however much the right hon. Gentleman might choose to change his mind, the right hon. Gentleman was a witness still on the side of those who advocated the ballot, and he thought there was no possibility of the right hon. Gentleman showing how the non-electors became tyrants by the simple fulfilment of that which the law enjoined. Now, he found that during the last Middlesex election a noble Friend of his indulged in what he considered an unconstitutional maxim. He found that Lord Robert Grosvenor said that the electors ought to be responsible for the discharge of their duty. To whom, he asked, were the electors to be responsible but to God, their own consciences, and to an intelligent deliberate public opinion? [Lord Robert GROSVENOR: Hear, hear!] He was glad to hear his noble Friend cheer him, but his noble Friend seemed to have fallen into the delusion which the noble Lord the Member for London indulged in. It appeared that the noble Lord thought that an intelligent, deliberate public opinion could only exist under open voting. There he joined issue with the noble Lord. He maintained that it could not exist under open voting, but only under secret voting. As his noble Friend had treated him with that good-natured ironical cheer, let him ask his noble Friend to consider what effect public opinion had on the mind of a man under secret voting, and what effect it had under open voting. With the ballot the elector could carefully weigh the opinions of public men, the merits of great public measures, and the arguments in the public press, and then, after getting the best information he could, and deliberating upon it, he went to the poll and gave a conscientious vote in secret. Now, take the case of open voting. Under that system of what use was public opinion to the 500 dependents of my Lord This or That? The press might write by the yard, public men might talk by the hour; all that could make no practical impression on their minds, for when they went to the poll our great national engine, the screw, was at work, and they could not vote but as their landlords commanded! It was the same all through the country wherever men were placed in the power of others. Take the case of any set of men—the workmen at the mills, for instance. Of what use was public opinion to them? They were not called on to form their opinions by public opinion, but by the wills of their masters, and nothing could be easier than to give an illustration of this by referring to any great question of reform. Let them take the abolition of the corn laws, for instance. How long was that abolition postponed because the electors dared not carry out public opinion at the polling-booths? How long was public opinion set in for the abolition of the corn laws before it was accorded? How long did public opinion notoriously wage war against the corn laws in vain?—until at length something very like a great and powerful conspiracy was called into existence to overcome the duresse put on the electors; and that it was which was the cause of the abolition of the corn laws. Two very eminent men, acknowledged to be authorities on the question of the corn laws, Mr. Cobden and Mr. Bright, had often declared that if the electors had had the ballot they would have stood by public opinion, which was with the non-electors, and the corn laws would have been abolished fully thirty years before they were. He had now attempted to answer some of the latest arguments against the ballot. The usual mode of attack had been by guesses and surmises. When Gentlemen had nothing practical to offer in defence of open voting they had recourse to guesses and surmises, prophesying that such and such things would happen if protective voting were adopted. But if the House turned to examples it would see that where the ballot existed the best results had followed. Hon. Members might take *Hansard*, and look through it from one end to the other, and they would find no instances in the speeches against the ballot of the failure of the ballot wherever it had been established. In England the ballot was perfectly successful. Whoever heard of the ballot failing in England? Whoever heard of it failing at the clubs? It procured safety for those who voted under it, and preserved the peace, and the election made by secret ballot was correct and true. He found the same was the case in all other countries. It was so in Holland. There the ballot acted peculiarly well; and so it did in Belgium. It might be said, perhaps, that the priests in Belgium exercised an influence over the electors. That was an evil which could not be coped with. If a body of men submitted their consciences to another body of men that could not be helped, but so long as men were enabled to vote according to their will, that was all that could be attained. In Sardinia the ballot was regarded as the keystone of liberty. Many hon. Members —and probably the noble Lord the Member for the City of London (Lord J. Russell)—might be acquainted with Signor Valerio, one of the senators of the Sardinian Chamber of Deputies, who had expressed his opinion that "without the ballot the Legislature (of Sardinia) would be returned by the aristocracy, the bishops, and the priests." This country had received a somewhat useful lesson with regard to the conduct and equipment of an army in the field from little Sardinia, and he thought that with respect to civil government it might also learn a lesson from the absence of intimidation on the part of the priests and aristocracy at the Sardinian elections. He (Mr. Berkeley) would ask the House to compare the absence of intimidation in Sardinia with the intimidation exercised by the priests and aristocracy in this country. In America the ballot was perfectly successful in all States where due attention had been paid to the secrecy of the voting. In all those States where intimidation or corruption had crept in, it was found to be the result of a loose mode of balloting, but wherever the strict secrecy of the ballot had been maintained, it had been attended with the best effects. He had on former occasions brought the case of America before the House at such length that he would not now have said anything more on the subject but for a paragraph in *The Times* which was very likely to be quoted, as anything which was supposed to tell against the ballot was eagerly snatched at. That paragraph appeared under the pompous heading—"An Election Contrast." Now, a residence of many years in America, and a knowledge of the national character of the people of that country, led him to doubt whether this paragraph had been written by an American. The paragraph commenced by assuring its readers that the London *Times* was the proper authority with regard to the English representative system, and the writer then proceeded to draw a comparison between the mode of election in England and the mode of election in America, declaring his preference for the English system. He (Mr. Berkeley) certainly thought, with regard to America, that, considering the system of centralization which prevailed there, the secret committees, the absence of the candidates from the electors, the wheels within wheels which existed, and the general complexity of the system, the ballot worked infinitely better in other countries than in the United States. He might instance Sardinia, and the Canadian and Australian colonies of Great Britain. But when he found a writer in an American paper thus asserting the superiority of the English system over the American system of ballot, he would not believe the author was an American, for he would evidently prefer a legitimate and anointed King to an elected President, and there were not ten men from Maine to Alabama who would frank such an opinion. One fact was worth any amount of speculation on a subject of this nature, and he might therefore inform the House that no State in America which had originally commenced with the ballot had ever changed it for open voting, while those States in which open voting was originally established had gone over one by one to the system of ballot, with the exception of two slave States, and one of those States (Virginia) had at the last election rendered itself infamous, for the voters who went to record their votes openly for Colonel Fremont were attacked, hunted, and obliged to fly for their lives. It happend that an American gentleman of great respectability, an advocate of New York, Mr. Compton Williams, had lately visited this country, and had very kindly given his opinions touching the American system of election to a society with which he (Mr. Berkeley) was connected, the Ballot Society. At the request of that society Mr. Williams attended a public meeting at Haverfordwest, his ancestors having been Welshmen, where he expressed opinions some of which he (Mr. Berkeley) begged permission to quote. That gentleman said that in his own country he had never heard any expression of hostility to the ballot, or of a desire to resort to such a *vivâ voce* system of voting as existed in England. In his own State, New York, the only mode of voting was by ballot. All the electors were furnished with slips of paper stating the number of representatives to be elected, and these slips, which were called "the ballots," were either printed or written. It was unnecessary for a voter to make a candidate an enemy by telling him he would vote against him, for the ballot afforded protection to the elector. He (Mr. Williams) expressed his surprise to find that unsuccessful attempts had been made in England for twenty-five years to obtain the ballot. The object sought to be secured in America was, that the elector should vote for himself, and not somebody else for him, and that object was effectually secured by the ballot. He regretted to be obliged to admit, however, that intimidation and bribery were not totally unknown to America. There were in that country great political combinations; there were political captains of tens, and fifties, and hundreds, who boasted that they could compel their followers to vote as they pleased; but those were mere words, for they had no power to control the votes of the electors. The votes were secret, and although electors might give promises, it could not be known whether those promises were fulfilled or not. It was, therefore, perfectly useless to extort such promises. He had heard it said that men might watch the box, and see how their tenants and *employés* voted; but he defied them to do so successfully. It was, for example, exceedingly important to know how the State of Maine voted, for that gave the cue to the elections generally; and last "fall," the Democrats were determined to expend their whole strength on that State, with the view to insure the return of their party. They had also made arrangements to have the news of the election in the State of Maine sent by telegraph to New York, and, on the receipt of it, 50,000 men were ready to form a procession in that city in honour of the victory; but when the telegraphic message arrived in New York, it stated that the Republicans had gained the election in the State of Maine by nearly two to one against the Democrats, and that result (Mr. Williams said) was entirely due to the ballot! He (Mr. Berkeley) would now call the most serious attention of the House to Her Majesty's Australian dominions. There the ballot was adopted as the law of the colony of Victoria. It had been tested there, and, as a necessary consequence, the result had been, that all the evils which sprang up under the system of open voting—intimidation, violence, and corruption—had received their death blow. He would crave the permission of the House just to draw a comparison. Let him lay before them a sketch of some of the proceedings at our late general election in England under open voting, and then a brief sketch of the elections in Australia with the ballot. Having done that, he would then simply ask the House to "look on this picture, and on that." The general election in 1852 was a regular old Whig and Tory fight; but the election of 1857, though less of a party struggle, presented the same appalling features of the malversation of the franchise through open voting. And first, he would speak of intimidation, which he had always said was the great malady of our electoral system. Look to the counties. There political freedom was a perfect farce. To make this plain, he would refer the House to the mode of registration. They all knew that, in the counties, their registration agents simply divided the great mass of the electors into classes, according to the political views of the landlords. On the one side the agent put A. B. on the register under the class of "yellow," because he was a tenant of Lord So-and-So, or Squire This-or-That; and, on the other he took C. D. off the register because he was a tenant of Lord T'other-thing. The feelings of the elector were never for a moment regarded. He was simply treated in the matter as the tenant of So-and-So; and it was well known that, in counties, it was thought a want of etiquette for one landlord to canvass the tenantry of another. That, in fact, had led to duels on more than one occasion in the old times: but now, when people were a little more peaceably disposed, it ended in a "cut;" and yet out came the county gentlemen at an election with a flowing placard addressed to "the free and independent electors." "Free" to do what? Not to vote as they pleased; but "free" to go to the poll, and "free" to be turned out of their farms if they did not vote at the bidding of their landlord. When Sir Henry Ward brought forward this question, he cited the case of an estate which had changed hands three times in a very few years. It first belonged to a Tory, then to a Whig, and then to a Tory again; and, at every election during that time, the tenantry upon it invariably voted in accordance with the politics of the landlord for the time being. Again, in Lanarkshire, during the life of the late Duke of Hamilton, who was a Whig, his tenantry there always voted for a Whig; but when the present Duke, who was a Tory, succeeded to the title, they turned round, and voted for the Tory candidate at every election. In Sussex, too, it was well known that the Cowderay property always returned the Member for Midhurst. He (Mr. Berkeley) had before him a specimen or two of the extent to which intimidation flourished in the counties. In *The Times* of the 20th of April last, there appeared a memorial addressed by the Londonderry tenantry of the Marquess of Waterford to his Lordship, in reference to the then forthcoming election for the county, together with the reply of the noble Marquess, which he would read to the House. Let the House remember that the memorialists belonged to a class of gallant men who, as the late war abundantly proved, were ready to die on the hill side, and shed the last drop of their blood for their country. The petitioners say:—

"That they are inclined to believe your Lordship is warmly attached to the tenantry on your Lordship's estate, and that you respect their feelings and conscientious convictions; that, acting under that belief, they respectfully approach your Lordship to request you will be graciously pleased to permit them, at the approaching general election, to record their votes according to the dictates of their consciences; and that you will give directions to your agent and representative here to protect them in the religious and faithful exercise of their electoral rights. Several landlords in this county have already done so. This favour being so reasonable a request on their part, your tenants do not anticipate a refusal, and have nominated Messrs., &c., a deputation to wait on your Lordship, and they, as in duty bound, will ever pray."

What was the answer to that communication?

"Ashbrook, April 3.

"Sir—I am directed by the Marquess of Waterford to acknowledge the receipt of your letter, together with a Memorial from some of his tenants in this county, and to say that he would wish them to vote for Mr. Clark and Sir H. Bruce at the coming election. Yours faithfully,

"J. B. BERESFORD.

"Rev. N. M. Brown."

He (Mr. Berkeley) supposed that if the noble Marquess had not been pleased to be sweetly tempered they would have had a still rougher reception. He would now, by way of antithesis, present an extract from the speech of a great landlord in this country, and an hon. Member of that House, which formed a pleasing contrast to the document he had just read. Mr. Robartes, in the course of an address to his constituents of Cornwall at the last election, called on them to reflect on the position of a poor but honest voter who was compelled to vote against his political convictions; and he (Mr. Robartes) declared that, putting himself in the position of such a man, if he were asked if he desired to have the franchise, he would rather be without it if he was to hold it on the understanding that he was to vote in opposition to his conscience. He further said he should like to see the ballot to-morrow, because he should then feel more at liberty to speak to his tenants on political subjects, and to try to win them over to his own convictions. He was afraid to do so now, because if he spoke strongly there was always an idea that some unfair means would be used to compel them to vote in a particular way. He should therefore continue as before, to support the Motion of the hon. Member for Bristol. A more noble specimen of the conduct of an English gentleman was not to be found. That man need never fear the ballot. His sentiments were founded upon the sentiments of one of the finest characters ever drawn by Steele and Addison—Sir Roger de Coverley. The old knight said, "I love to enjoy my own opinion, and consequently I never constrain the opinions of those who depend upon me." In *The Tablet* of May 15, under the head of "Freedom of Election in Ulster," he found a statement that twenty tenants of the Marquess of Hertford had received notices to quit on account of their votes at the Lisburn election. He found in a Woolwich paper a paragraph having reference to the election preceding the last for West Kent, in which it was stated that a holy man of the Church of England who resided in Essex, but had property in Kent, having intelligence that a tenant was about to vote for Mr. Martin, despatched to him this letter—

> "I hope in a few days to fix the time for coming down to receive the rent. The object of the present letter is the West Kent election. I hope you are, like myself, a good Conservative, and will vote for Sir Walter Riddell at the approaching election. Landlord and tenant should always vote upon the same side, and if we proceed to a new lease that will be one of my stipulations."

The rev. gentleman had strange ideas of the rights of conscience. The paper stated that the "screw" would not work, and that the tenant retained his independence. Another instance of intimidation had been the subject of legal proceedings under the Corrupt Practices Act in the case of "Queen *v.* Barnwell," and that was a failure. The House would do him the justice to recollect that he had lifted his voice against the Corrupt Practices Act, and that he had branded it as a disgraceful specimen of insincerity. It was enacted for the benefit of candidates, and not for the interests of electors. The legal expenses were carefully cut down and the illegal expenses were left untouched. The cases which could be specified were cases of unsuccessful intimidation, and they were few in comparison with those which, being successful, passed unknown. In South Wiltshire a noble Lord contested the county against the present hon. Member, and he was celebrated by a county poet in heroic verse—

> "Without a fault, and with lots of tin,
> The best of the three is Lord Henry Thynne."

He did not know how such a man could fail to win an election, but tin, like virtue, did not always meet with its reward, and Lord Henry Thynne did fail, and in his parting address attributed his failure to intimidation, or what was commonly called "the screw." At South Northamptonshire, Lord Althorp was charged by Mr. Carter with intimidation, and he retorted by making the same charge against the other side. In Cumberland, threats were made of publishing the pollbook, and in Bedfordshire it was actually done, in the form of a newspaper supplement. In West Sussex there was no opposition to the return of Lord March and Captain Wyndham, and both hon. Members inveighed against the ballot. The gallant Captain said that the non-electors had as much right to know how the electors voted as the electors had to know how he voted. But the non-electors had not to control, to reward, and to punish the electors, as the electors had to control, to reward, and to punish their representative. If a Member of Parliament voted in secret it destroyed the very essence of the representative principle. He left the gallant Captain to reconcile his view with that of Mr. Burke, who said, "The House of Commons never could control the functions of Government, unless the Members themselves were controlled by their constituents." Lord March took up the old song, and said the ballot was unmanly and un-English. Within a very few weeks, however, both he and his noble Father, the Duke of Richmond, gave a notable example of the difference between practice and precept. It chanced that a chief constable had to be elected. In the western division of Sussex eight out of nine members voted against the ballot. It was understood that the votes in that division for the constable were not to be taken openly. Everybody supposed that the Duke of Richmond would have appeared with the ballot-box of the Conservative Club under his arm; but his Grace, to avoid countenancing the ballot, hit upon a most ingenious expedient. He appeared with an old hat and a pack of cards. He deposited the old hat in a corner, and dealt out the cards. The magistrates put the names of the candidate on the cards, and deposited the cards in his Grace's hat. What was the difference between voting by ballot and voting in an old hat? Why should the one be called unmanly, un-English, and cowardly, and the other brave, manly, and British? He could see no difference between the two things. He called both voting by ballot; at all events, the mode adopted by the Duke of Richmond carried out the principle, if not the letter, of the system of voting, which he wanted the House to sanction by its approval. So much, then, for the elections in counties. With regard to the boroughs, the Committees now sitting upstairs would show the scenes that were enacted at the last elections. Those precious disclosures the House would have an opportunity of considering, and he trusted it would lay them to heart. He had stated that in 1832 Mr. Disraeli spoke of an intolerable terrorism as then prevailing. That system produced a terror of two kinds—in the first place, a terror of ruin; and in the next, a physical terror of loss of life or mutilation. Of the latter, he had an admirable example before him in the right hon. Gentleman the Vice President of the Board of Trade, and he could not help saying that it was a very hard case when candidates were compelled to look for the protection of their brains to the thickness of their skulls. The broad handkerchief of *The Times* was now waving in the air, still wet with tears for the right hon. Gentleman. That journal not only mourned for him, but actually embalmed his broken head in three or four leading articles. How came it, he asked, that *The Times* did not look to the other cases of violence that occurred during the last elections? The treatment received by the right hon. Gentleman was bad enough, and much to be deprecated; but why did not *The Times* direct its attention to those cases of violence that took place in Ireland? Not a word was said about them; but the right hon. Gentleman, somehow or other, enjoyed the favour of *The Times*, and all its sympathy was reserved for him. He thought that his noble Friend the Member for the City of London was a good deal to blame for the acts of violence and intimidation that disgraced the recent elections. In more than one part of the country the noble Lord had been cited as a great authority under whom those who committed the violence had acted. The noble Lord had told the people over and over again that the elective franchise was a trust. [Lord John RUSSELL: Hear!] He very much doubted the soundness of that proposition, because if an elector discharged his duty by voting for whom he pleased without let or hindrance, he defied the noble Lord to show him in what the breach of trust consisted. Supposing, however, that the franchise was a trust, that argument told as much in favour of the Ballot as against it. But what he wished to say was, that the noble Lord was responsible for much of the violence perpetrated at elections. Two or three Sessions ago he brought forward the case of the Cork election, at which the supporters of a gallant Friend of his, General Chatterton, were brutally used, although he admitted that the two representatives of Cork were hon. Gentlemen of the highest respectability, who would be the first to set their faces against such violence. Nevertheless some disgraceful things were done, and, according to the evidence, they were instigated by the priests, who said to the people, "Lord John Russell tells you that the elective franchise is a trust; now, boys, all who vote for Chatterton are guilty of a breach of trust." If such arguments were addressed to ignorance or malignity there could be no mistake as to the result, for a mob was not able to discriminate between what the noble Lord really meant and what they believed him to say. He held in his hand a polling-book, got up by a society of non-electors, in Rochdale, with a view to exclusive dealing, and a more complete instrument of tyranny he never saw. The electors were designated under their various trades or crafts, the supporters of Sir Alexander Ramsay being distinguished from those of Mr. Miall, and, although there could be no doubt that the book had been got up against the former, he was sure that Mr. Miall would scout the very idea of such a publication, for a man more fond of liberty and of freedom of voting in elections did not live. Here, again, the noble Lord the Member for the City was cited as an authority for these shameful and tyrannical proceedings. "The theory of the present representative system," said the compilers of the Rochdale polling-book, "according to a great constitutional authority—Lord John Russell—is that £10 householders hold their votes in trust for the class who do not possess that property qualification, as well as in their own right, and this vindicates the practice of publishing a list of the voter's names." If the doctrine that the election franchise was a trust, bore such fruit as this, the sooner they got rid of it the better. He would not trouble the House with any more details regarding the violence and intimidation perpetrated at the last elections. The scenes that occurred at Drogheda, at Lisburne, in Galway, and in other parts of Ireland were perfectly shocking, and it was very interesting to read the truthful accounts given by the reporters of the malversation of the franchise, and compare them with the mendacious statements of interested parties. But, instead of dwelling upon the Irish elections, he would proceed to reverse the picture and direct the attention of the House to the elections which recently took place in the colony of Victoria. The establishment of the ballot in Australia was mainly due to the exertions and ability of Mr. Nicholson, the member for North Burke in that colony, and, though opposed by the same arguments as in this country, the system had operated in the most satisfactory manner. He would not quote paragraphs from the Australian newspapers which he had before him, but would merely refer to a compendium of them contained in a speech delivered by Mr. Nicholson, in which that gentleman, referring to the recent elections in that colony, showed that in no case had there been any violence or disturbance, and stated that the ballot had imposed a decided and welcome check on the noisy and turbulent demonstrations which had hitherto been inseparable from a contested election. In addition to the tranquillity with which they had been conducted, these elections had been characterized by great completeness of polls—a fact which was an answer to the objection that in this country it was not from terror, but from apathy, that persons abstained from voting. Hitherto the Australian elections had exhibited the same paucity of voters compared with the number of electors that was to be found in England; but at the last election the number of voters polled in some of the districts was within one or two of the whole number upon the register. The expenses, too, had been greatly diminished; and such had been the effect produced, that many of those who were formerly opposed to the ballot were now to be found in the ranks of its supporters. Among others, the Attorney General, who before the election was particularly hostile to the ballot, had announced his determination in future to support that mode of election. Sincerely thanking hon. Gentlemen for the attention which they had given him while he brought before them these details, without which he could not establish his case, he submitted that he had now proved to the House by facts that wherever the ballot had been tried it had been productive of none but the happiest results, and that there was nothing to be set against it except suppositions, guesses, and calculations that it would not do in England what it had done elsewhere under precisely similar circumstances. A Liberal Government never appeared to him to such disadvantage as when it opposed a Liberal measure, and was forced to seek protection under the gabardine of Toryism. That was a position in which he was sorry to see his hon. Friends, and it was matter of great regret to him that in this matter he stood against his Friends and was defeated by them. It was now, however, practically understood that the ballot was opposed by the aristocracy and landocracy, because they would not give up the power over the constituencies which was given to them by open voting. But why should not they give up that power? They lived in a loyal country—the only country in which the aristocracy was beloved by the people, and a country which was essentially anti-democratical. Then, why did they not seek to gain from the love of the people that which they now compelled by an usurped authority? Depend upon it they would stand much better with the people if they did so. It was unmanly, and showed moral cowardice to adhere to the existing state of things, not to trust to the people in whom they might confide, and rather to compel obedience from their fear than to obtain it from their love. He had ever seen that it was impossible that any Reform Bill should be final unless protected votes were one of its provisions, and he now entreated the Government, at the last moment, to adopt the conviction arrived at by their friend Sydney Smith, whom they had so often quoted, and who wrote the most brilliant pamphlet, but unsound, as it was brilliant, in favour of open voting and against the ballot. What said Sydney Smith? In a recently published letter, written in reply to a correspondent who had complimented him upon his able writing, he said with regard to the ballot, "But it will come, though I write never so wisely." He (Mr. Berkeley) told them that it must and would come, and that therefore it was infinitely better that they should give to the people that which they would at the present moment receive as a precious boon rather than wait and be compelled to surrender to them that which they would demand as a right. In conclusion he begged to move for leave to introduce a Bill to cause the Votes of the Parliamentary electors of Great Britain and Ireland to be taken by way of ballot.

SIR JOHN SHELLEY said, he rose to second the Motion, but in so doing he should content himself with adding very little to the able and instructive speech of his hon. Friend. He would, however, congratulate the friends of the ballot that from the appearance of the House there was a prospect of there being at least a debate upon this important question. On the last occasion on which it was brought forward, with the exception of a speech from an hon. Gentleman opposite, there was no debate, and no one on or near the Ministerial bench addressed the House. Now, considering that this question had the support of a large portion of the Liberal party, he thought that Her Majesty's Ministers might at least have condescended to justify their conduct in refusing to entertain it. It was very difficult, on all subjects, when very little was said against you, to argue the case—but he never remembered that his hon. Friend had done so well—indeed he had outdone his former arguments. The ballot had generally been opposed on two grounds—one that it was un-English, of which his hon. Friend had disposed, and the other that it would not stop bribery and corruption. It was impossible to say what would be the result of a system until it had been tried, but for his own part, he believed that nothing could be worse than the existing state of things. Certainly, he feared that so long as there were persons in this country bad enough to offer bribes there would be found others weak enough and poor enough to take them. There was, however, one thing worse than bribery, and that was "the screw," to which his hon. Friend had referred. A bribe might enable a poor man to pay his rent, or might confer some other benefit upon him, but from the exercise of improper influence by a landlord or a customer no good could result. He represented one of the largest constituencies in this country, and so far as he knew there was no question upon which the great body of the electors felt more deeply than that of protecting the voter by the ballot. There was no doubt that from some cause or another a very small proportion of the electors recorded their votes. In Westminster he had seen ladies driving from shop to shop canvassing the tradesmen, a large number of whom were consequently compelled to make themselves practically non-electors, in order to avoid the difficulties they would otherwise be placed in. To show how the system worked, and the feelings that existed with regard to it, he would mention a case which had recently occurred. He held in his hand the particulars of a conversation between a political friend of himself and his gallant colleague and a tradesman in that borough, who had a most flourishing trade. This man, whom he would designate as C., for that was the initial of his name, had strong political opinions, and had congratulated him and his hon. and gallant colleague on having gone to the right lobby on the question of the ballot. His friend remarked that that was a question which he supposed that tradesmen wished settled, and that he did not suppose that C. split his vote. The gentleman went on to say that his business was so good that he could not afford to vote at all. He was a house decorator, and his trade lay principally with wealthy people. He had never voted against his conscience, but if he were to vote in accordance with his conscience it might be the ruin of his wife and children. He had once voted, he said, for General Evans when he stood against Captain Rous, and for his pains he lost three of his best customers; consequently he had never given himself any trouble to be on the registrar, and was, in fact a non-elector. There were hundreds and thousands of electors, he added, in Westminster who were in the same position as himself. In the debate of 1838, Mr. Grote showed, in his own admirable manner, that open election was tantamount to the disfranchisement of hundreds and thousands of electors, seeing that a considerable number of electors declined to exercise their franchise, as they would damage themselves by exercising it conscientiously, and he went on to argue that thus to deny to electors the means of voting conscientiously and safely was, in fact, to disfranchise them altogether. It would be difficult to show that the protection of the ballot would not tend to enable men to give their votes conscientiously. He (Sir J. Shelley) had made an analysis of the divisions on the ballot in the last two years, and the results shown by that analysis threw a curious light on the position of the Liberal party on the question, for he found that in 1855 there were 166 Members present who voted for the ballot, two tellers, and thirty-six pairs, making in all 204, while 218 Members present voted against it, which, with two tellers and thirty-six pairs, made 256, leaving a majority of fifty-two against the Motion or fifteen more than in the previous Session, but eight less than in 1853. This majority consisted of thirteen Members of the

Government, ten Whig Members, and 233 Tories, so that the main body of the Liberal party were opposed to the Government on that occasion. But if the Liberal Members were sincerely of opinion that no Reform Bill would be of any effect without the ballot, they had only to stick close together, and, though a change of Government might be the consequence—which none would deplore more than himself—yet the evil would only be temporary, and probably a fusion of parties might be brought about which would result in the formation of a Government—including, perhaps, the right hon. Member for Bucks and the hon. Baronet the Member for Hertfordshire, whom he saw opposite, who had both at one time been ardent supporters of this proposition—with the ballot as a fundamental and Cabinet question. In the division of 1856, 111 Members present voted aye, which with two tellers and forty-three pairs, made 156 for the Motion: while there were 151 Members present, two tellers, and forty three pairs against the Motion, leaving a majority of forty against it. Now in that majority there had been twenty-seven Liberals and Peelites, of whom thirteen had been Members of the Government; so that only fourteen independent Liberals and Peelites had opposed the Motion. He should add that among the Members of the Government who had supported the Motion were to be found some of the most able and popular men who had of late years been engaged in the Administrations of this country, such, for instance, as Lord Duncan, Sir B. Hall, Admiral Berkeley, Sir Alexander Cockburn (the late Attorney General), Sir R. Bethell (the present Attorney General), Mr. Bouverie, Mr. Villiers, Mr. Horsman, Mr. Fitzgerald, Mr. Massey, and Mr. Osborne. The fact was, that as regarded that question the Government, instead of being a support, were an incubus to the Liberal party. In conclusion, he had to state that he felt much pleasure in seconding the Motion.

THE CHANCELLOR OF THE EXCHEQUER: After the direct appeal which has been made to the Members of the Government, couched in catechetical form, by the hon. Member for Bristol, I should be wanting in courtesy to the House and to the hon. Gentleman if I did not take an early opportunity of expressing the views which I have formed upon this question. I regret to find that those views will not, from what I hear, coincide with the opinions generally entertained on either side of the House. I am unable to adopt the views so clearly stated by the hon. Gentleman the Member for Bristol. I cannot form that sanguine estimate of the beneficial effects of the ballot which the hon. Gentleman has sketched out in his address; and, on the other hand, I do not share in the alarm with which the ballot is generally regarded on the other side of the House. I hope the House will afford me the opportunity of stating as briefly as I can the grounds upon which I have formed my opinion, after the best consideration which I have been able to give to a question difficult in itself, and on which there exists such great discordance of views. When a question is brought under the consideration of the House for the first time, it often happens that the hon. Member who brings it forward argues in favour of his own opinion in a general and discursive manner, somewhat in the form of an essay, with a view of introducing the subject to the House, and showing the arguments upon which his proposal rests. Such was the state of this question when it was first brought forward in this House by my Friend Mr. Grote. No one who reads the speeches which he delivered annually in this House during a series of years will deny that it is impossible to state the arguments in favour of the ballot with greater clearness, or in language more elegant and precise. In his hands this question passed through what I may call its didactic period. From his hands it passed into those of the hon. Member for Bristol, and the stage which it reached under his auspices may, I think, without offence to him, be termed the humorous stage. He has for some years annually brought this subject under the consideration of the House with great command of facts and great play of imagination and wit, and he has made a favourable impression on his hearers by the diverting manner in which he has placed it before them. I do not undervalue the remarkable powers of my hon. Friend in agreeably illustrating this subject, but having passed through these two stages, the question of the ballot has now arrived at what I will take the liberty of calling the practical stage. Not being able to rival my hon. Friend in his powers of imagination, I am desirous of examining the question practically, and consider whether or not the ballot is adapted to the wants and circumstances of this country. In order to arrive at a practical result upon this question, the natural course is to consult history, and to see how this ballot has operated in other countries. If we look to the Continent, we find a state of things totally different from anything which exists in this country. It is difficult to profit by the experience of the Continent, where no powerful State has hitherto been able to consolidate a Parliamentary Government, and where the only States that have Parliamentary Governments are those of a second rank. But as to the operation of the ballot on the Continent, I would take the liberty of referring to the statement made by a distinguished statesman and writer on politics—who was examined by a Committee of this House, I think, in the year 1837—I mean M. de Tocqueville, the author of a work on democracy in America, as well as of another on the French Revolution. He was examined by the Committee on Bribery at Elections. Being interrogated on the subject of the ballot, he stated to the Committee that the object of secret voting in France was to protect the voter against the power of the Government—that voters on the Continent dreaded that omnipotent being, as he denominated it—namely, the Government—and that secret voting was, therefore, regarded in France as a shield against the Executive Government. He admitted that it was not difficult to ascertain any person's vote; still, he said, that was the view taken on the subject of the ballot in France. That being the case, I think I need scarcely say that the experience of France and of other continental States is of little value with respect to the working of the ballot in this country, where there is no overwhelming influence of a centralized bureaucracy to overawe the elector, and consequently the privilege of vote by ballot, or secret voting, would, in that respect, be of little avail to him. Neither do I think that the examples of this institution in some of our colonies—those new societies in which this mode of voting has lately been introduced—can be of much assistance to a country whose social and political condition is so different as that of the mother country. The country to which we must look as furnishing really important lessons upon this subject, and which I apprehend is always in the minds of those who recommend the establishment of the ballot in this country, is the United States of America. I believe that I shall not misrepresent the feeling of those who originally recommended the ballot to this country, if I say that their object was to introduce into England the mode of voting generally practised in the United States. The hon. Gentleman (Mr. H. Berkeley) in his speech this evening distinctly referred to the example of the United States. He said that the working of the Ballot there had been perfectly successful, and nearly in all cases he held up the practice of the United States as a model for our imitation. [Mr. H. Berkeley: The principle,—not the details of the practice.] I certainly understood the hon. Gentleman to say that he recommended the United States to us as an example for our imitation. My hon. Friend now says that he does not approve the details, but merely the principle of the institution; but I really do not very well know how to distinguish between the principle and the details of an institution. I will, however, endeavour, with such lights as I possess, to ascertain what are the principles and the mode of voting established in the United States. The Motion which we have under consideration is this—that leave shall be given to bring in a Bill to cause the votes of Parliamentary electors in Great Britain and Ireland to be taken by way of ballot. This Motion assumes that we know what is the meaning of the word "ballot" as applied to elections. Ballot is not a mode of voting known to the law or constitution of this country, and I do not know that I can ascertain the meaning of the term in any more authentic manner than by inquiring in what sense it is used in the United States. I presume that that use represents the principle, and not merely the details of its working. With the permission of the House I will read the following extract from a work by a gentleman who has travelled in the United States, Mr. Tremenheere, being a work on the constitution of that country, which he states to be founded upon the best native authorities—namely, the jurists; and let me remark that they are writers of very high authority. He says:—

> "There is another subject which requires to be noticed under this head of the elections in the United States—namely, the mode of giving the votes, which, as has been seen, is in some States appointed to be *vivâ voce*, in others by ballot."

Now, we come to the explanation of the ballot:—

> "It is necessary to repeat that this word never means in the United States 'secret ballot,' unless in the instances, which are rare, when the word 'secret' is expressly added to it."

In this country we invariably associate

with the word 'ballot' the mode of giving a secret vote by dropping a "ball" into a covered box, in the manner too well known to need to be described, but in the United States I apprehend the ballot is never taken in the same manner as we vote in our private clubs, and does not at all turn on the principle of secret voting. He goes on thus:—

> "In the United States the word 'ballot' has, in its general acceptation, nothing to do with the word 'ball,' but means 'a piece of paper, with the names of the candidate or candidates written or printed upon it.' In the Southern and Western States generally the voting is entirely open, and usually *vivâ voce*. At all elections in the other States the friends of the different candidates stand round the voting places, with the written or printed voting papers (called tickets) in their hands, and as each voter approaches he takes from the hands of one of the agents of the candidate or candidates for whom he intends to vote one of these lists, openly before all the world, and delivers it, folded or unfolded as the case may be, to the persons taking the poll. The tickets are now universally, I believe, printed; and being printed upon coloured paper—the colour or some distinguishing device indicating the party to which the candidates belong—the very fact of presenting a paper thus coloured or marked, though it might be folded up, in itself at once shows which side the voter takes at the election."

That I apprehend to be a correct description of the process of voting in America, and I will only say that it entirely accords with a description which I have myself heard from American gentlemen. I never heard any American gentleman with whom I conversed on the subject describe the ballot as being secret voting. They have always described it to me to be what it is described by Mr. Tremenheere to be —namely, a system of voting by ticket, which may be, as it generally is, put into a box, or whatever other receptacle may be prepared for it. The distinction, therefore, between the ballot and the mode of voting practised in this country is this—that in the one case there is an authentic register of the voters kept, whereas in the other there is no such register. No doubt, where the mode of voting by ballot prevails in the United States it is not possible to obtain an authentic printed list of the voters such as is commonly known in this country as the poll-book. Such register does not exist; but if any person would stand by the polling-booth as each voter comes upon the scene he would be able to ascertain the side on which each person votes. Lest it may be thought that I quote doubtful or partial witnesses, I am fortunately able to adduce testimony which I think my hon. Friend himself cannot challenge. In the course of his speech he referred to the Society for Promoting the Adoption of the Ballot, of which he himself is chairman. That society has issued several tracts for the purpose of recommending the ballot. I have before me two of those tracts, and, as they appear to be under the patronage of my hon. Friend, assisted by a numerous and highly respectable committee of gentlemen calling themselves "the Friends of the Ballot," I can hardly be doing wrong in quoting them as evidence of the practice of the ballot in America. The first of those tracts (of which I hold before me a second edition) is called *The Ballot in America*. After giving a description of its working in several States, it says—

> "A most extraordinary system of optional secrecy obtains. In one or two States the secrecy is compulsory, but the general practice is what is called optional secrecy."

The next passage is a description of the mode of voting in the important State of New York, which, as it is not long, perhaps the House will allow me to read—

> "Where there is, on the one hand, no register of electors, and, on the other hand, a system of printed tickets, it is perfectly clear that, for some local reason, the inhabitants of the State are not really desirous to secure secrecy in voting either for themselves or others. This may be called ballot, but it is not secret voting."

It ends with this summary—

> "The result generally may be said to be this—that while in the various States above-named different forms of ballot are made use of, one great purpose has been kept in view—that of securing to every elector the option of secrecy with regard to his vote. In short, as has been well expressed by an eminent Statesman of our own country, 'In none of these States is any record kept against any man of the manner in which he votes.' In a country where the suffrage is almost universal, and where great inequalities of condition among those who possess it do not generally prevail, it is not surprising that many should appear individually indifferent as to the observance of secrecy in its exercise. But protection is afforded by law to all who feel its want, and choose to avail themselves of it."

That is the description given in this tract, and the House will see that it accords with what I have read from the work of Mr. Tremenheere. It shows that when we speak of the ballot as a secret mode of voting, what we are to understand, so far as the American practice goes, is, that if a voter chooses to conceal his vote he has the power of doing so; but that if he does not think fit to conceal his vote he may give it openly; and that therefore secrecy is confined to those only who are desirous to obtain it. I wish the House to be fully in possession of that fact, inasmuch as I think it has an important bearing on the practical working of the system. The next tract to which I shall direct the attention of the House is one of the same series, published under the direction of my hon. Friend. It is No. 5 of that series, entitled *The Test of Experience as to the Working of the Ballot in the United States*, and I am the more desirous of quoting from it because it is to the practical experience of the system that I am anxious to call the attention of the House. The society for promoting the introduction of the ballot having become aware that some important transactions had taken place on this subject in the State of Massachusetts, Mr. Wickham, the hon. Secretary, wrote in April, 1855, to the hon. Amasa Walker, Secretary of State for Massachusetts, requesting from him information as to those transactions, and especially as to some recent changes of law on the subject of vote by ballot. Now, I wish particularly to direct the notice of the House to this correspondence, and to the facts disclosed in the letters and documents transmitted by Mr. Walker. He describes the state of the law in Massachusetts, where, it may be observed, vote by ballot was in existence, and where, therefore, there already was to be found that perfect security against electoral evils against which my hon. Friend says the ballot is sure to provide. Though the ballot existed there, however, it did not produce all the results that the friends of the system in this country seem to expect. It appears to have been there decided in a court of law that a printed as well as written vote was within the meaning and intent of the constitution. This decision (says Mr. Walker)—

> "Made a great change in the character of the ballot. It destroyed a great part of its secrecy, for as soon as the legality of printed votes was admitted, each of the different parties would have something in the size or appearance of its ticket, by which it could be readily distinguished from those of other parties. One, for example, would have tickets printed on yellow paper, another on blue, another on pink, &c. Oftentimes, moreover, such tickets were ornamented with some pictorial representation, so that a man's vote could be recognized almost as far as the man himself. Hence, very soon after printed votes were introduced, complaints began to be heard from all parts of the State, especially from the large commercial and manufacturing towns, that the secrecy of the ballot was impaired, that intimidation and coercion were used at the polls, and the independence of the voter greatly lessened."

This was the state of matters in one of the Northern States of the Union dealing with the ballot, preserving during the whole time the name of the institution, and therefore, so far as I understand, the principle of the ballot. The writer goes on to say—

> "The evil had now become so great, that many people felt anxious for a change in the mode of voting, and various improvements were suggested. But the great practical difficulty seemed to be, to get a method which should be perfectly secret, and at the same time afford perfect security against fraud."

Now, this difficulty occurred in 1840, at a time when vote by ballot was an established institution of the State, and embodied in the constitution. The great practical difficulty seemed to be to combine secrecy with perfect security against fraud. Mr. Walker adds, "the two objects appeared for a long time incompatible." Now, I wish the House to observe that at this time Mr. Walker thought that secret voting and security against fraud were incompatible, and that no means were known in the United States of reconciling these two things, showing that in the United States secrecy was not essentially a part of vote by ballot. Throughout the speech of my hon. Friend he assumed that secrecy is an essential part of vote by ballot. He contrasted vote by ballot with open voting, to show, as he said, that open voting was a ratification of a treaty between two dishonest men, while the ballot was a secret mode of voting by which that ratification was frustrated. So that the whole of my hon. Friend's argument falls to the ground if secrecy is not a part of the ballot. I feel quite sure that a large number of people in this country are in favour of secret voting, because they believe it has been the practice of the United States and has succeeded there, both of which things are shown by the very publications of my hon. Friend's society to be inconsistent with the fact. Mr. Walker, after saying that the difficulty was to find some means of reconciling secrecy with security against fraud, proceeds to say—

> "While thus thinking upon the subject, it suddenly occurred to me (for I had never heard it suggested) that the true method was to enclose the ballot in an envelope, and then, having sealed the same, place it in the ballot-box."

Now, it is of importance to observe that he speaks of this idea as one never heard of before, as having flashed suddenly upon his mind for the first time as a means by which secret voting could be carried into effect without fraud. The result of this sudden inspiration was that Mr. Walker prepared a Bill which he presented to the Senate; but the Bill being rejected the former mode of voting continued. In the following year, however, 1851, the Liberals (he says)—

> "Consisting of the Democrats and Free-soilers united, came into power, and the Bill for the Better Security of the Ballot was again introduced into the Legislature, and passed by a handsome majority."

For the first time, therefore, and under the influence of the Secretary of State for Massachusetts, secret voting was established in that State by law in 1851. [Mr. H. BERKELEY observed that it existed in the State of Michigan also.] Mr. Walker tells us that the mode of voting by enclosing the vote in a sealed envelope occurred to himself for the first time—that it was a new discovery—and, therefore, no similar system could have existed in any other State. The law that was now passed remained till 1853. He says—

> "In 1853 the Conservative party came again into power, and not daring directly to repeal the Ballot Law, so popular had it become, virtually destroyed its efficacy by enacting that 'any voter might use the envelope or not as he should choose."

Now, this alteration of the constitution took place under the system of secret voting by means of a sealed envelope, and therefore we must suppose that the views of the electors of Massachusetts were faithfully represented, and that the wishes of a majority were carried into effect in repealing that system of secret voting. The end seems to have been that secret voting was made optional with the people, and Mr. Walker goes on to say—"This emasculated the law, as every man who voted under envelope would be presumed and taken to be hostile to the dominant party." He then says that very soon after the virtual repeal of the ballot law an election took place for delegates to the Convention, called for the purpose of amending the constitution of the State. This election resulted in the return of an overwhelming majority of the Liberal party, and in the Convention which met in 1853 the sealed ballot was proposed as a part of the constitution of the State. The amended constitution was submitted to the people for their adoption in the succeeding fall, and all the amendments rejected by a small majority. By the defeat of the amended constitution the people were thrown back upon the existing law; a new party, calling itself "American," took the field, and carried the State by a triumphant majority; and Mr. Walker concludes this narrative by saying—

The Chancellor of the Exchequer

> "The Legislature elected by this party is now in session. The restoration of the sealed ballot law was proposed in the popular branch, and carried by a good majority; it was, however, lost in the Senate, the more Conservative branch, by a majority of one vote. So that the law now stands that the voter may deposit his vote in a sealed envelope, or not, as he may choose."

That brings the history of this law in the State of Massachusetts to a close, and it shows that the ballot there having been, in the first instance, practically an open one, in which every person exhibited his vote, if he thought fit to do so, a system of compulsory secrecy was introduced; that it remained in force for two years; that it was then repealed, and has not since been reintroduced. Therefore, as far as any inference is to be drawn from my hon. Friend's publication, it appears that there is now no State of the American Union in which the system of compulsory secrecy in voting exists. I infer this partly from Mr. Walker's narrative and partly from the Report of the Committee of the Senate and House of Representatives of Massachusetts, which is appended. They describe the evils of voting very much in the same sort of way as my hon. Friend described them in this country as existing in full vigour under a system of ballot, and then they go on to say—

> "The use of letter envelopes, which has within a few years been introduced into this country, has, it is believed, suggested a very simple, cheap, and efficacious remedy for all the evils which have heretofore been complained of."

I am afraid I have wearied the House by reading so many passages, but I was desirous of placing before them in an authentic form evidence which I think cannot be disputed, of the true nature of the working of the ballot system in America. Now, we have nothing to show that at this moment there is a single State of the American Union in which the system of compulsory secrecy exists with regard to voting. In the majority of States, undoubtedly, the system of vote by ballot exists, probably engrafted in most of the State constitutions, but the practice appears to be this:—The voter places his ticket in a box; there is no poll-clerk, no person to record his vote, and therefore no list of votes is published after the election; the votes are ascertained by counting the number of tickets deposited at the polling-places, but each person is fully at liberty to exhibit his vote if he thinks fit to do so, and the general practice is, in fact, to exhibit them. Well, in considering what would be the effect of acceding to the

Motion of my hon. Friend, we must, before we can fully understand what we are about to do, ask what the system is which he recommends. Does he recommend the sealed envelope system, or does he recommend the system of optional secrecy? Now, all his arguments are founded on the assumption that the secrecy is to be compulsory, and I would therefore, in the first place, venture to call the attention of the House to this material fact,—that the whole experience of the United States is against the system of compulsory secrecy; that that system has only been tried recently as an experiment, so far as I know, in a single State; that it there remained in operation only two years, and that it has not since been re-established. It is clear, therefore, using the language of the title-page of this tract, that if we appeal to "the test of experience," the experience of the United States is against compulsory secrecy and in favour of optional secrecy. Now, just let us consider what would be the result of an attempt to introduce compulsory secrecy into this country. At present the whole of our electoral proceedings are founded on the assumption that the opinions of the candidate are avowed, that he has certain supporters among the voters, and that they come forward and vote for him on public grounds. Perhaps they form a committee; they appear as his friends, as the advocates of the political system which he espouses; he puts forward addresses declaring his opinions; he canvasses electors on the ground that he holds certain opinions; he hopes that they will support him as entertaining similar opinions; the whole conduct and course of an English election is, in fact, a publicity of opinion on the part of the candidate as well as of the electors. Sir, no person in this House has a greater objection to intimidation at elections than myself. I fully sympathise in everything which my hon. Friend has said against this practice. I object, quite as strongly as he can do, to the illegitimate influence of landlords or others with a view to the coercion of their tenantry or their dependents at the poll. There is nothing he can say on that subject to which I am not prepared to give my assent. But, having made that statement, am I prepared to adopt his remedy, or to think that that which he proposes as a remedy would in fact prove to be such? On the contrary, my firm conviction is, that to attempt to introduce a system of compulsory secrecy in voting in this country would be an attempt to row against an irresistible current—that it would be an endeavour to force on the people of this country institutions thoroughly repugnant to their habits and their nature. If my hon. Friend were to bring in a Bill, not in the ambiguous phrases which he has chosen, but distinctly enacting the sealed envelope system, by whatever name he chose to call it, making it compulsory for an elector to conceal his vote at an election, I believe he would find that the general feeling of the country was against it. If you are to subject a man to a penalty—because to this extent you must go—for showing his vote at an election, how can you allow the system of canvassing? Will it be possible, then, to allow a candidate to visit an elector and to ask him for his vote? If no person is to be permitted to declare his vote, and if an election is to be as secret and silent as a funeral, it seems to me that it would be a gross inconsistency to promote any intercourse whatever between a candidate and the electors to permit a candidate to address the electors, or, indeed, to allow of electoral meetings at all. You must be prepared to go the whole length of prohibiting all preliminary expressions of opinion on the part of the voters, unless you allow them to express their opinions, if they think fit to do so, when they give their votes. My own belief is that my hon. Friend has been indulging in general phrases, extracts from newspapers, stories about coercion, for a series of years, without very minutely considering the details of the measure which he wishes us to adopt; and I am rather inclined to think that he never actually faced the enforcement of compulsory secrecy, but that what he has in his mind is a system of optional secrecy—that is to say, a law which should permit any person who wishes to vote secretly to give his vote in that way. If I do not misinterpret the views commonly entertained upon the subject, my belief is that that is the kind of ballot which most persons have in their minds when they hold it forth as a panacea for all electoral evils. Suppose, then, the measure for the adoption of the ballot were embodied in such a form as I have described—namely, that of optional secrecy—allowing a person either to conceal or to exhibit his vote as he thought fit. Now, I must be permitted to express an opinion, though it may not perhaps meet with universal assent, that the great majority of the voters at one of our elections are prepared to avow their votes—that, in fact, they are desirous of doing so. My hon. Friend, in a manner derogatory, in my opinion, to the mass of the electors throughout the country, has pictured them as driven to the poll like flocks of sheep. The experience, however, of most hon. Gentlemen who have canvassed a constituency, I think, will tell them that, though the bulk of the electors may be of no very exalted station, they in general entertain decided political opinions in favour of one party or another, and that a very large number of persons on both sides are desirous of proclaiming their support of one candidate or the other. If the vote by ballot were introduced in the optional form, and if every person were permitted to display his vote, I think that the result would be that the great majority of the electors would exhibit their votes. What, then, would be the consequence of such an institution with respect to protecting voters against whom intimidation is sought to be practised? The only effect would be, that those who desired to coerce a voter would give him notice that he would be watched at the poll, and that, if he did not display his vote, it would be assumed that he had voted contrary to their wishes. The only result of such a law as could be practically worked in this country would be that, where persons were resolved upon intimidation, the mode of intimidating would be changed, while no effectual protection would be given to the dependent voter. Now, I will put a case in illustration of this. Suppose—that which I hope may never occur again in this country—a division between the different classes of society on the subject of the laws of food, and that the agricultural interest were arrayed against the rest of the community; suppose a rural parish in which resided, say a blacksmith and a wheelwright, who were small freeholders, working for the neighbouring farmers, and earning their livelihood by such employment; suppose that these neighbouring farmers meet, and that they inform the two freeholders, who are suspected of wishing to vote in opposition to them, that, unless they exhibit their votes at the polling booth, it will be assumed that they have not voted in the manner prescribed, and that their custom will be taken from them in consequence—in what respect, I ask, in such a case, would the law of optional secrecy afford any protection to those men? Clearly it would give no protection; and, in order to afford effectual protection by means of secrecy to voters, you must, by law, make secrecy compulsory. In other words, you must do that which has not been done in the United States; you must introduce a system of which you have no experience; you must change the whole character and conduct of our elections; you must alter the very habits of the people, and you must attempt to do by legislation that which I feel confident legislation in this country will be powerless to accomplish. It is for these reasons, then, Sir, that I oppose this Motion—not because I think that voting by ballot is un-English or unmanly—not because I share any of those popular objections to the vote by ballot which my hon. Friend treated with so much contempt—but because I believe that, in one form it is utterly inapplicable to, and irreconcilable with, the habits of this country, and that it is not recommended by the experience of those countries which are held up as the models which we should imitate, but which, having tried it for a short time, have rejected it. I oppose this Motion because, in the form of compulsory secrecy, I believe that it is not possible to introduce the ballot into this country; I oppose it, also, because I believe that, in the only form in which it could be introduced, that of optional secrecy, it would be perfectly ineffectual for the object in view, and because it would not afford that protection to the voter which my hon. Friend thinks it would afford, but would leave us in the state in which we now are, in which we must look to the cultivation of public opinion, to the diffusion of sounder views on the relations of electors and those who are able to control their votes, and to the gradual diminution of that most objectionable system of electoral intimidation and coercion. It is, I say, to those moral influences, and not to the influence of the law, that we must look, and look with confidence, for the amendment of our present practice. In support of the view, that public opinion tends gradually to correct all the worst descriptions of intimidation, I would appeal to the last election. With regard to bribery, I do not believe that the ballot would provide any effectual remedy, although, with regard to coercion and intimidation, no doubt, if we suppose compulsory secrecy, and everybody faithfully keeping his secret, protection might be afforded; but we are not entitled to anticipate that there will be any such alteration of the law so long as the opinions of this country remain unchanged. The other system, which is practically the one pursued in the United States, would leave us where we are at present, tending gradually, and more and more in each successive election, to the exercise of an independent judgment by the electors, such as I believe they exercised at the last general election. Judging from such means of observation as I possess, it is my firm belief that, even if the votes at the last election had been given under the shield of any form of ballot which my hon. Friend could devise, the result would have been substantially identical with that which the open voting of the country has produced.

MR. GREER said, that, following the example of the right hon. Gentleman who had last addressed the House, who had eschewed the didactic style, and had certainly not lingered long on the humorous, he should endeavour to attempt the region of the practical, and in the first place he would express his content that the right hon. Gentleman had rested his arguments on the results of experience, as the advocates of the Ballot were perfectly prepared to rest their case on that ground. The right hon. Gentleman had principally dwelt upon the case of the United States, and had stated that in certain parts of America compulsory secret voting was the rule, and that in other parts the voting might be secret or not, at the option of the voters. Now, he asked, was the right hon. Gentleman prepared to concede even the latter modified system? would he give optional secret voting to such constituencies as wished it, and would he give compulsory secret voting so soon as it could be shown that compulsory secret voting was practicable? If the right hon. Gentleman wished to see the details of the Bill of the hon. Member for Bristol (Mr. H. Berkeley), why would he not vote for the first reading, and then argue the measure itself at a later stage? The experience of the United States was, he thought, particularly valuable to this country, inasmuch as the people were of the same habits and language as ourselves, and, therefore, better adapted for our guidance than that of continental nations. The United States, however, differed from this country in this material respect, that there secret voting was not so necessary as it was in this country, in order to arrive at the real feelings of the electors. What had been the experience of this country with regard to open voting? The principle of the constitution of this country was that every elector had a right to exercise his franchise freely and without control, but ever since the time of William III., down to the Reform Bill of 1832, he found that attempts had been continually made, but without success, to protect the voter in the exercise of his franchise. Even lately there had been an Act of Parliament passed expressly to suppress corrupt practices at elections, and yet at the recent general election it was notorious that those corrupt practices had been as rife as ever. It was because all former attempts to suppress those evils had failed that an application was now made to the new Parliament to pass a law which would have the effect of protecting electors in the exercise of their constitutional right. [*Cries of* "Divide!"] He called upon hon. Members who were so anxious to declare their opinions by their votes to stand up and support their votes by arguments. Many of them had extinguished popular opinion amongst the constituencies they represented; but he hoped they would not be allowed to put it down in that House. If the ballot was such a bad thing, why did hon. Gentlemen avail themselves of it in their clubs, and yet deny it to the unfortunate elector? To oppose the ballot upon the simple ground that it was secret and cowardly was sheer hypocrisy. He knew well that undue influence had been exercised in Ireland to a great extent, and in that part of the island with which he was particularly acquainted he could state that tenants, in coming forward to vote according to their convictions, but against the wishes of their landlords, exposed themselves to the very severest penalties, because they were mostly tenants at will, holding their farms at the pleasure of their landlords. He was, however, happy to assure the hon. Member for Bristol, who had referred to the correspondence between the Marquess of Waterford and his tenants, that although the letter of the tenants was not couched in quite such sturdy terms as the hon. Member appeared to desire, yet many of them had faced the trial, and had voted according to their consciences.

LORD JOHN RUSSELL: Sir, although I might well claim as an excuse for not addressing the House upon this subject, that I have often done so on former occasions, yet, as my hon. Friend the Member for Bristol, considering this to be a new Parliament, has thought it necessary to make new, and, I must say, greater exertions to prove his case than ever he has done before, I will venture to trouble the House with some of the views which I entertain in opposition to his measure. It is not to be denied that the hon. Member and the Ballot Society have made considerable impression upon a large portion of the public, and therefore I have felt it my duty, carefully to consider and reconsider the various arguments which are urged for and against the ballot. It appears to me that my hon. Friend, and those who act with him, rest their case upon three assumptions of fact and of opinion, all of which I believe to be erroneous. The first assuption is, that at the present moment there prevails so much of intimidation, that it is impossible that the opinions of those, to whom the elective franchise has been intrusted, can be fairly ascertained. The next assumption is, that the voter has a right, an indefeasible right, to give his vote without reference to the opinions of any other person but himself, and without being brought before any tribunal of opinion to answer for the vote. The last assumption is, that there prevails a very general opinion throughout the country in favour of secret voting. Now, Sir, I will treat of these several assumptions in their order. The first is, as I have already said, that intimidation prevails to such an extent as to prevent the opinions of the electors from being fairly ascertained. If my hon. Friend relies upon particular instances, I will allow that no general election takes place without some particular instances of intimidation being brought forward in this House. But, when my hon. Friend passes from the proofs which on several occasions he had brought forward of different instances of intimidation, such as that of the agent or steward of the Marquess of Waterford, which he has adduced this evening, and proceeds to say that the electors do not fairly represent the opinions of the constituent body, then I conceive him to be grievously in error. My hon. Friend referred, in support of his views, to the elections for counties. If we look at the elections for the counties, let us look at them for the last quarter of a century. I remember when the Reform Bill was first proposed there were about eighty Members representing the counties of England and Wales, and no less than seventy-six were elected to vote in favour of the Reform Bill. I remember, too, afterwards, that when there came the question of the repeal of the Corn Laws, when protection was the banner on the one side and free trade on the other, the Liberal Members for counties, who formed so vast a majority at the time of the Reform Bill, lost their advantage and became a minority. I believe that upon both those occasions the opinions of those who elected those Members were truly represented. I believe the great majority in favour of the Reform Bill faithfully represented the opinions of the county electors in favour of the measure, and I believe no less than the majority of county Members, who resisted free trade, truly represented the opinions of the farmers and others who returned them, and that the feeling in favour of free trade did not prevail then. I must say, in contradiction to the hon. Gentleman who says, that if general opinion had been allowed to prevail at the elections, the Corn Laws would have been repealed at a much earlier period, that I remember a very particular and detailed statement of Mr. Cobden, in which he said, that when he and Mr. Bright—and there could not be two more powerful and eloquent advocates of any cause than those two gentlemen, whose loss from the House I regret every day—when they first arrived at Leeds to hold a public meeting, there was some difficulty in filling the room with the supporters of the total repeal of the Corn Laws, and, as they passed through the streets they were totally unnoticed, proving evidently that they were not much in favour with the working classes. Mr. Cobden went on to state that, in the year when the Corn Laws were repealed—namely, a short period before the famous declaration of Sir Robert Peel, was the first occasion when the working classes were in favour of the abolition of those laws, and that when he and Mr. Bright went down to Leeds, at that time, they were received with acclamation. I believe that to be a true representation of the state of things. I remember that in 1841, when Parliament was dissolved, and when the working classes were told on the one hand that the repeal of the Corn Laws would bring them cheap bread; and, on the other, that the repeal would bring lower wages, which would more than compensate for the cheapness of bread, their minds were a good deal divided between those representations, and I believe that they were rather of the opinion that the diminution of wages would make their position worse, on the whole. At all events, there was a great division of opinion on the subject, and my belief is, that the elections at that time fairly represented the state of opinion in the country. Adverting to the question of the influence of landlords, I must say that it is my opinion that the tenants, generally speaking, prefer to vote on the same side with their landlords rather than against them. In proof of this, I will give an instance which I heard from the late Earl Spencer, then Lord Althorp, who advocated the ballot, was against the corn laws, and was a liberal landlord, so liberal, indeed, that he would never have thought of disturbing a tenant in his occupancy on account of the manner of his voting. I asked him whether his tenants in general were, like him, for the repeal of the corn laws, or whether they were for protection. He said that he believed they were generally for protection. I then asked him whether, in case of an election, they generally went with him, or voted for protection, and he replied that they generally voted on the same side as he voted on. That is a strong instance of what I believe to be the disposition of the tenantry of England to vote with their landlords, whom they respected; for he was sure they did not think that if any one, or all of them, had voted in favour of protection, there was the least chance that a man like Earl Spencer would disturb any one in his tenancy. When I am told, therefore, of tenants voting with their landlords, I admit that there are certain cases of intimidation, disgraceful to those who practise it, and very hard on the intimidated; but I deny in general that it is the truth that tenants in voting in the same way as their landlords vote otherwise than according to their own wishes. To give another instance—when the question between protection and free trade was in agitation, the counties generally sent Members to that House to represent protection, who therefore sat on the Conservative side of the House, and yet we have seen at the late election, when there was no longer a question of protection, but when we were all free traders, there was exhibited no longer the same disposition, and we have seen where contested elections have taken place, the Liberal candidates come again into the places they formerly occupied, and enjoy the same favour with the electors as they did before this question of protection arose. There, again, I do not see that the intimidation of landlords prevented the election of Liberal Members for the counties. The change took place at the late election, and I believe and hope that it will take place to a greater extent at the next election. I shall not have any fear that the electors who vote in that way will be punished by Conservative landlords in consequence of their vote. I come now to the next proposition or assumption of my hon. Friend, which is the general assumption always made, but which I must always protest against—namely, that in contradistinction to every other class in this country the electors—the freeholders, leaseholders, and £10 householders—are to be accounted infallible, without sin as without error, and therefore there is to be left in their hands the complete and despotic power of voting according to their pleasure without any control whatsoever. The right of voting is a trust, and a similar trust is held by all who exercise power—from the Sovereign on the throne downwards—for the benefit of the people. Those who sit in the other House of Parliament hold their seats and the power of legislation as a trust for the public benefit. It is the same thing with the Ministers of the Crown and the Judges of the land, and with the electors, who are invested with the power of sending Members to this House to dispose of the property and maintain the liberties of the people of this country. Is that a wrong principle? Is there any class that ought to be free from this inspection and this control of public opinion? Take the case of a person in one of the highest positions in this country—the Chief Justice of the Queen's Bench. The late Lord Ellenborough, the Chief Justice, was a person of great talents and eminent learning, and exceedingly well qualified to hold that high position. We are told in a recent biography—a work calculated to delight and instruct all who read it—the *Lives of the Chief Justices*, by Lord Campbell—that Lord Ellenborough felt extremely hurt at the public comments made by the press and by the public in general on his conduct on the bench. Will the hon. Gentleman—will any one say that it was wrong that the public should make these comments? I believe that, highly qualified as Lord Ellenborough was, those who made the comments were right, and that his bias and inclination in favour of authority and power made him justly liable to censure; and shall I say, when a man, learned and able like him, was subjected to the censure of public opinion, when his words and acts as a Judge in a high court of justice were to be scrutinized and examined, that the freeholders and £10 householders are to be free from examination and scrutiny altogether in respect to the manner in which they exercise their power, and that they alone are to be deemed irresponsible? I will not say so, for I hold it to be contrary to the spirit and principles of the British Constitution to make such a concession. My hon. Friend might make out some case for this irresponsibility, as he seemed to imply, if he were to maintain that there should be universal suffrage, or manhood suffrage, as it is called, and that all persons of full age should have the vote. But that would be a new theory. It would be the theory, not of the British constitution, but of some other constitution. What the British constitution does is to give to certain persons with certain qualifications certain conditions of power, and then to leave the public in general to control, criticize, and check the exercise of that power. Such is the case with the power of the Judge on the bench. He is a person of a certain career and eminence at the bar, with qualifications which cause him to be placed in that high position; and then he is subject to be controlled by public opinion. The same is the case with the Ministers of the Crown. Suppose any question arises—such as the China question, the Italian question, or the present unhappy state of India. The Ministers may adopt any measure they please, for they are the executive and chosen councillors of the Crown; but they must afterwards be subject to public opinion and to the censure of this House, if in the opinion of the public and of that House they should be deemed to have acted hastily or in error. Then, with respect to the electors of this country, whose power is as important as that of the Judge on the Bench, or of the House of Lords, or of the Ministers, I am but bringing them under the control of public opinion when I say let us know how they vote, and how they exercise their power, and let them be subject to censure if they do wrong in the exercise of that power. Well, but it is said that it is impossible they can err. Now, I think I have known instances in which the voters have acted in a way which would excite the indignation and blame of any one. I think I have heard—and I believe I need go no further than the table of this House for an example—of a candidate standing for a place, and of persons in the town coming round him and expressing their willingness to form his committee and canvass the voters, and yet when the election came on all these members of his committee accepted bribes for their votes, and voted for his opponent. That is conduct which no one could approve; but then my hon. Friend says, "Do not let them be subject to any censure for it. Let them go and vote in secret." Therefore these members of the election committee might have gone to the candidate and told him that they had used every exertion in his favour, that they considered it most unfortunate that the election should have gone against him, and that they could not imagine how it happened, while every one of them had got £10 or £20 in his pocket as an inducement to vote contrary to their professions. That is the sort of change which my hon. Friend recommends. My hon. Friend states that he has a high moral authority for saying that a voter may very well give his promise to a candidate, and yet be at liberty, according to the rules of a very sound morality, to break that promise and vote another way. I suppose I must accept that as sound morality. It may be so, but I can only say that it is strange and new to me. My hon. Friend put the case of Brown, who was very much intimidated. I beg leave to bring Jones and Robinson into court, and ask them what they have to say of Brown's conduct. Brown, being a principal tenant, is asked by his landlord to canvass with him for a candidate who is going to stand for the county. The landlord says, "The election won't take place for some time, but we are going to have a dinner in favour of Conservative principles; you are, I am sure, a very good Conservative; if you will take the head of the table and give the toasts and lead the way it will be a very great advantage to us." Well, Brown says, "Oh, to be sure," because if he does not do so he will let out his secret. Now, this is not an illustration of mine. My hon. Friend will know whence I draw it. Brown presides at the dinner; he gives the wrong toast; he makes the wrong speech; he sings the wrong song; and after thus persuading his landlord and all the gentlemen at table that he is an excellent Conservative, on the day of election he goes with another ticket and votes scretly for the Liberal candidate. [Mr. ROEBUCK: Hear!] My hon. Friend the Member for Sheffield would think that a very fair proceeding. [Mr. ROEBUCK: Hear!] I am not now disputing its morality, but I believe that is the sort of conduct to which people refer when they say that the ballot would be un-English. They mean that that sort of deceit, of treachery, and of promise-breaking is un-English, and they come to the conclusion that secret voting is an un-English proceeding. I do not wonder at it. I am very much inclined to be of their opinion. I next come to the assumption of my hon. Friend that this proposal of the ballot meets with very great favour in the country. Now, although there is a considerable party in favour of the ballot, although there are a great many of the electors, particularly those who feel sore after a general election that in their cases intimidation has been exercised, who urge its adoption, and who excite their neighbours on the subject, I do not believe that the general opinion of this country is in favour of secret voting. I have had occasion to address large bodies of persons, numbering, perhaps, 3,000 or 4,000, and to state my objections to the ballot, and I always found that the meeting was at least equally divided in opinion, if, indeed, the majority did not approve of my views. I entirely believe the statement which has been made with so much ability and clearness by my right hon. Friend the Chancellor of the Exchequer. He has gone into the details of the American elections and has shown what I have constantly heard stated by Americans —that the ballot in America is by no means synonymous with secret voting. [Mr. ROEBUCK: Hear!] But that in many cases you may know by the form or colour of the ticket a man takes in what way he votes. A man may take a blue ticket or a yellow ticket, which represents the interests of particular candidates, and then there is an end of secrecy and of security against intimidation. As the Chancellor of the Exchequer said, quoting the opinion of one who has written on this subject, if you provide that secrecy shall be optional, you at once give a customer, or a landlord, or whoever wishes to intimidate, the means of defeating secrecy altogether. The customer, or the steward, or the landlord may say to an elector, "If you vote secretly, and your voting paper is not in an envelope of a particular shape or colour, we shall at once conclude in what way you have voted, and we shall regard you as much an enemy as if we had heard you give your vote *vivâ voce* to the opposite party at the poll." This, I imagine, is perfectly clear, and the only resource is one against which the English blood of the Americans has revolted, and which is adopted in only one State—namely, the establishment of compulsory secrecy, precluding every man from divulging the manner in which he has voted, or what his disposition may be. Does any one believe that such a regulation would be tolerated in England any more than it has been in America? Does any one believe that, in the case of an election, the frank and truth-telling feeling of the people of this country would not prompt nearly every man to say, "I am anxious for the success of Mr. So-and-so, or Sir Thomas So-and-so; I shall certainly give him my vote, and I hope my neighbours will do likewise"? That is found to be the case generally. Secrecy, therefore, would be confined to a few, and being confined to a few, it would not benefit that few. It may be said, "What mischief could result from introducing a system which would not completely change the habits of the country?" Well, I think it would be mischievous to introduce a new mode of voting which, so far as it goes, would tend, as I believe, to take away something from the frank and open character of Englishmen. There would also be some mischief in introducing what appears to be a considerable innovation that is not likely to succeed. I cannot believe that the adoption of this new mode of voting would produce a complete change in the character of Englishmen; but I do think the evils it would introduce would far counterbalance the good it would effect. I do no believe that the elections in this country are generally marked by intimidation and corruption, and I cannot agree with my hon. Friend when he says that an open vote is a corrupt agreement between one rogue and another. We have gone on a long time with this imperfect, and, as it appears, corrupt mode of voting, under which we have gained great liberty, and the system of secret voting has only been proposed, or even thought of, within late years. Liberty has made greater advances in this country than in any nation of Europe, and I venture to say that there is more freedom in this country than exists even in the United States of America. Without wearying the House with details, I will only ask them to look at the triumphs of liberal measures during the last twenty-five or thirty years, all gained under a system of open voting. Parliament has been reformed, the corn laws have been abolished, corporations have been opened, and an infinite number of liberal measures of a similar nature have been adopted, all this having been accomplished under a system of voting which my hon. Friend says consists entirely in a corrupt agreement between one rogue and another. On behalf of this much maligned House, and our much maligned constitution, I must demur to the statements of my hon. Friend. My hon. Friend said, "Only consider the case of Australia; why, in the colony of Victoria you have had a most wonderful instance of the success of secret voting, and even the Attorney General has been convinced of its value." I believe the constitution of Victoria was adopted by the House of Commons at my recommendation two years ago, and when it is held up as the great object of our imitation I am reminded of the exclamation of one of the characters in that amusing play *The Rover*, "Glorious news! the barons have been successful. The venerated and inestimable inheritance of Britain, Magna Charta, was signed last Friday week, the 3rd of July." The veneration of my hon. Friend for the new constitution of Victoria appears to me very much of the same kind. For my own part, I should prefer waiting a few years before we follow the example of the Assembly of Victoria. It may be a very good example; but I think we, the older, and therefore the more cautious assembly of the two, may afford to wait a few years in order to see whether this triumph of secret voting proves so satisfactory as it is presumed to be at the present moment. I cannot refrain from noticing one statement of the hon. Baronet the Member for Westminster (Sir J. Shelley). He said—and he made it out well enough by figures—that the great majority of the Liberal party voted in the last Parliament in favour of the ballot, and that there were only twenty—or perhaps not more than ten or fourteen—Liberals out of office who voted against the ballot. I do not know why hon. Gentlemen who have been elected by large constituencies should be excluded from the right of voting because they have accepted office. But the hon. Gentleman proceeded to say that as the great majority of the Liberals are in favour of the ballot they have only to go to the noble Lord at the head of the Government and to tell him they will not support his Administration any longer unless he and the Cabinet carry the measure of the ballot. I think this coming from a determined adherent of my noble Friend is the most degrading proposal I ever heard. I can understand Sir Robert Peel saying at one time that the state of Ireland was such that he had been induced to abandon the views he once held with respect to Roman Catholic Emancipation. I can also understand Sir Robert Peel saying, that the course of the discussion on the corn laws, and the state of those laws were such as to lead him to think that the best course for the welfare of the country, and one which would not be injurious at the same time to Conservative institutions, would be the repeal of those laws; but, to tell hon. Gentlemen who are not convinced—to tell members of the Cabinet, that because the great majority of their supporters vote for the ballot, they are not to entertain the views which the Chancellor of the Exchequer has expressed to-night, would be a most mischievous innovation, and I must say it is a most disgraceful proposal. This, too, is the language held towards a Minister of the Crown whom the hon. Member professes to respect, a Minister of the Crown who deserves that respect, and I am sure he will show to-night that he is still more worthy the respect of this House by scornfully rejecting such a proposal. It has been said that a vote given by a tenant, or a tradesman against his conscience is a lie, and that a Member who is sent to this House in consequence of that vote is the incarnation of a lie. I should say that the Members of a Cabinet voting in favour of a Bill for the ballot, against their opinions, and against their convictions, would also be to pronounce a lie; and that, for such a measure to be passed by this House as expressing their deliberate opinion in favour of the ballot, would be but the embodiment of that lie. In using this strong language, I am but following the example, and using the language of my hon. Friend. My hon. Friend certainly deserves success for the perseverance and ability he has evinced in this matter. For my own part, I will only further say, that if Parliament should decide that the ballot is to be the law of the land, I, like others, must bow to that decision; but, until that is made the law, so long as I am permitted to give a vote on this subject, that vote will be recorded against secret voting, and in favour of the ancient mode of open and deliberate voting.

Mr. H. BERKELEY, in reply, said,

that the right hon. Gentleman the Chancellor of the Exchequer had assumed a false position, and argued the question upon it. But the case he assumed was not his (Mr. Berkeley's) position at all. He confessed he was greatly astonished and not a little amused at hearing papers read against the ballot, which he himself had but two years ago urged upon the House in favour of the ballot. He had never contended for a sham ballot, or said that anything like open voting was what he desired. By "ballot" its supporters meant secrecy at the polling-booth, and nothing else, and the use of open voting papers, or boxes or urns open to public inspection were, in effect, the same as *vivâ voce* voting. And when he quoted America, it was in support of the position that though there had been irregular elections of open voting in some States, there the votes were open, and the evils were such that the Americans were altering it, and were adopting the system he desired to see established; namely, the system of close and secret ballot. The only case where the ballot was successful was, when the voting was perfectly secret. The right hon. Gentleman set up America as that which he (Mr. Berkeley) believed to be perfection; he could only say that was not his opinion. The American was not a model system; but the Chancellor of the Exchequer had addressed himself entirely to prove that open voting in America was not successful, and he (Mr. Berkeley) made him a present of that fact. He had ignored the case of Australia and the Colonies, and so had the noble Lord, rather ungratefully, as it seemed to him, being, as he was, the parent of the constitution of that colony. But in that constitution he left out the only way which experience showed was necessary to secure free voting. Since the ballot was adopted that constitution, which failed before, had proved perfectly successful. But the noble Lord said, that in England some isolated cases of intimidation might have crept in. Had he forgotten the Committee of Mr. Grote, and the 900 pages they had on the malversations of elections? Where did he find improvement now? He must say that he was disappointed that his noble Friend did not support the ballot. Even at the last London election his language was such as to lead him to suppose that the noble Lord had no strong opinion against it. The noble Lord, had, indeed, never pledged himself to the ballot; but he had often raised the cup to the lip of its supporters, and then dashed it away; indeed, a relative of the noble Lord, a distinguished officer of that House, had publicly made such a statement as was well calculated to raise the hopes of the London constituency that the noble Lord had seen and eschewed the error of his ways. After the indulgence the House had shown him, he would not occupy further time, but he must express his astonishment at the noble Lord the Member for London again attempting to rely on the exploded fallacy that there was immorality in breaking a constrained pledge to do an improper act. Had the noble Lord forgot Paley? did he not remember the words of Milton—"Ease will retract vows made in pain as violent and void." And ought they not to be retracted? Although he confessed that his noble Friend had disappointed him, yet he never expected anything but opposition from the noble Lord at the head of the Government, nor did he think that anything would change the opinion of that House but a strong manifestation of opinion from without.

THE CHANCELLOR OF THE EXCHEQUER, in explanation, remarked, that what he had said was, that although in America vote by ballot prevailed generally, yet that in only one State was it ever accompanied by compulsory secrecy, and that in that State this state of things only existed two years, and that the measure enforcing it had been since repealed; so that as far as the publications of the Ballot Society went, it did not appear that in any State of the United States the vote by ballot was now accompanied by compulsory secrecy.

Motion made, and Question put, "That leave be given to bring in a Bill to cause the Votes of the Parliamentary Electors of Great Britain and Ireland to be taken by way of Ballot."

The House *divided*:—Ayes 189; Noes 257: Majority 68.

List of the AYES.

Adair, H. E.
Alcock, T.
Anderson, Sir J.
Atherton, W.
Ayrton, A. S.
Barnard, T.
Baxter, W. E.
Beale, S.
Beamish, F. B.
Berkeley, F. W. F.
Bethell, Sir R.
Biddulph, R. M.
Biggs, J.
Black, A.
Blake, J.
Bland, L. H.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bowyer, G.
Brady, J.
Buchanan, W.
Bury, Visct.
Butler, C. S.
Caird, J.

Calcutt, F. M.
Campbell, R. J. R.
Clay, J.
Clifford, C. C.
Clifford, H. M.
Clive, G.
Cobbett, J. M.
Cogan, W. H. F.
Collier, R. P.
Coningham, W.
Conyngham, Lord F.
Copeland, W. T.
Corbally, M. E.
Cowan, C.
Cox, W.
Craufurd, E. H. J.
Crawford, R. W.
Crook, J.
Crossley, F.
Dalgleish, R.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Deasy, R.
Denison, hon. W. H. F.
De Vere, S. E.
Devereux, J. T.
Dillwyn, L. L.
Divett, E.
Duke, Sir J.
Duncan, Visct.
Duncombe, T.
Ellice, E. (St. Andrew's)
Elton, Sir A. H.
Esmonde, J.
Evans, Sir De L.
Ewart, W.
Ewart, J. C.
Fenwick, H.
FitzGerald, rt. hon. J. D.
Foley, H. J. W.
Forster, C.
Fortescue, C. S.
Gilpin, C.
Glyn, G. C.
Goderich, Visct.
Grace, O. D. J.
Greene, J.
Greer, S. M'C.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Hackblock, W.
Hadfield, G.
Hall, rt. hon. Sir B.
Hankey, T.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, J. D.
Hastie, Arch.
Hatchell, J.
Henchy, D. O'C.
Hodgson, K. D.
Holland, E.
Horsman, rt. hon. E.
Hutt, W.
Ingram, H.
Keating, Sir H. S.
Kershaw, J.
King, hon. P. J. L.
Kinglake, A. W.
Kinglake, J. A.
Kinnaird, hon. A. F.

Kirk, W.
Langston, J. H.
Langton, H. G.
Laslett, W.
Lindsay, W. S.
Locke, Jno.
Macarthy, A.
MacEvoy, E.
M'Cullagh, W. T.
Magan, W. H.
Maguire, J. F.
Mangles, R. D.
Mangles, C. E.
Marjoribanks, D. C.
Martin, P. W.
Martin, J.
Massey, W. N.
Merry, J.
Mills, T.
Mitchell, T. A.
Moffatt, G.
Monsell, rt. hon. W.
Moore, G. H.
Morris, D.
Mulgrave, Earl of
Napier, Sir C.
Neate, C.
Nicoll, D.
Norreys, Sir D. J.
Norris, J. T.
O'Brien, P.
O'Brien, J.
O'Connell, Capt. D.
O'Donaghoe, The
O'Flaherty, A.
Ogilvy, Sir J.
Osborne, R.
Paget, C.
Paget, Lord A.
Paget, Lord C.
Pechell, Sir G. B.
Perry, Sir T. E.
Philips, R. N.
Pigott, F.
Pilkington, J.
Platt, J.
Price, W. P.
Ramsden, Sir J. W.
Rebow, J. G.
Ricardo, J. L.
Ricardo, O.
Ridley, G.
Robartes, T. J. A.
Roebuck, J. A.
Roupell, W.
Russell, Sir W.
Salisbury, E. G.
Schneider, H. W.
Scholefield, W.
Scrope, G. P.
Smith, J. A.
Smith, J. B.
Smith, A.
Somerville, rt. hn. Sir W.
Stanley, hon. W. O.
Stapleton, J.
Stuart, Lord J.
Stuart, Col.
Sullivan, M.
Sykes, Col. W. H.
Talbot, C. R. M.
Tancred, H. W.

Thompson, Gen.
Thornely, T.
Tite, W.
Tollemache, hon. F. J.
Townsend, J.
Trelawny, Sir J. S.
Tynte, Col. K.
Villiers, rt. hon. C. P.
Vivian, H. H.
Vivian, hon. J. C. W.
Waldron, L.
Watkin, E. W.

Watkins, Col. L.
Weguelin, T. M.
Whitbread, S.
White, J.
Willcox, B. M'G.
Williams, W.
Willyams, E. W. B.
Woods, H.
Wyld, J.

TELLERS.

Berkeley, hon. H. F.
Shelley, Sir J. V.

List of the NOES.

Adderley, C. B.
Akroyd, E.
Althorp, Visct.
Annesley, hon. H.
Archdall, Capt. M.
Baillie, H. J.
Ball, E.
Baring, rt. hon. Sir F. T.
Baring, T.
Baring, hon. F.
Bernard, T. T.
Barrow, W. H.
Bathurst, A. A.
Beach, W. W. B.
Beaumont, W. B.
Beecroft, G. S.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Blackburn, P.
Blakemore, T. W. B.
Boldero, Col.
Booth, Sir R. G.
Botfield, B.
Bovill, W.
Boyd, J.
Bramley-Moore, J.
Brown, J.
Bruce, Lord E.
Buller, Sir J. Y.
Bunbury, W. B. M'C.
Burghley, Lord
Burke, Sir T. J.
Burrell, Sir C. M.
Buxton, Sir E. N.
Cairns, H. M'C.
Calcraft, J. H.
Carden, Sir R. W.
Carnac, Sir J. R.
Cavendish, Lord
Cavendish, hon. C. C.
Cavendish, hon. G.
Cayley, E. S.
Cecil, Lord R.
Child, S.
Christy, S.
Clark, J. J.
Clinton, Lord R.
Clive, hon. R. W.
Close, M. C.
Codrington, Sir W.
Codrington, Gen.
Colebrooke, Sir T. E.
Collins, T.
Colvile, C. R.
Cooper, E. J.
Cowper, rt. hon. W. F.
Coote, Sir C. H.

Corry, rt. hon. H. L.
Cotterell, Sir H. G.
Damer, L. D.
Davison, R.
Denison, E.
Disraeli, rt. hon. B.
Dod, J. W.
Du Cane, C.
Duff, G. S.
Dunbar, Sir W.
Dundas, G.
Dunlop, A. M.
Du Pre, C. G.
Dutton, hon. R. H.
East, Sir J. B.
Egerton, W. T.
Egerton, E. C.
Elcho, Lord
Ellis, hon. L. A.
Elmley, Visct.
Elphinstone, Sir J.
Ennis, J.
Estcourt, T. H. S.
Euston, Earl of
Farnham, E. B.
Farquhar, Sir M.
Ferguson, Sir R.
Finlay, A. S.
FitzGerald, W. R. S.
Fitzwilliam, hn. C. W. W.
Fitzwilliam, hon. G. W.
Foljambe, F. J. S.
Forde, Col.
Forester, rt. hon. Col.
Forster, Sir G.
Foster, W. O.
Gallwey, Sir W. P.
Gard, R. S.
Gaskell, J. M.
Gilpin, Col.
Glover, E. A.
Glyn, G. G.
Goddard, A. L.
Greaves, E.
Greenall, G.
Gregory, W. H.
Gray, Capt.
Griffith, C. D.
Grogan, E.
Grosvenor, Earl
Gurdon, B.
Gurney, J. H.
Haddo, Lord
Hamilton, Lord C.
Hamilton, G. A.
Hamilton, J. H.
Handley, J.

Hayes, Sir E.
Hayter, rt. hon. W. G.
Heathcote, Sir W.
Heathcote, hon. G. H.
Heneage, G. F.
Henley, rt. hon. J. W.
Henniker, Lord
Herbert, H. A.
Herbert, rt. hon. S.
Hildyard, R. C.
Hodgson, W. N.
Holford, R. S.
Hope, A. J. B. B.
Hopwood, J. T.
Horsfall, T. B.
Hotham, Lord
Howard, hon. C. W. G.
Hudson, G.
Hume, W. F.
Ingestre, Visct.
Jermyn, Earl
Jervoise, Sir J. C.
Johnstone, hon. H. B.
Johnstone, J. J. H.
Jolliffe, Sir W. G. H.
Jolliffe, H. H.
Kendall, N.
Kerrison, Sir E. C.
King, J. K.
King, E. B.
Knight, F. W.
Knightley, R.
Knox, hon. W. S.
Labouchere, rt. hon. H.
Lennox, Lord A. F.
Leslie, C. P.
Lewis, rt. hon. Sir G. C.
Liddell, hon. H. G.
Lincoln, Earl of
Lisburne, Earl of
Lockhart, A. E.
Lopes, Sir M.
Lowe, rt. hon. R.
Lowther, hon. Col.
Lygon, hon. F.
Lytton, Sir G. E. L. B.
Macartney, G.
Macaulay, K.
Mackie, J.
M‘Clintock, J.
Mainwaring, T.
Malins, R.
Manners, Lord J.
Marsh, M. H.
Matheson, A.
Matheson, Sir J.
Miller, T. J.
Miller, S. B.
Mills, A.
Milton, Visct.
Morgan, O.
Mowbray, J. R.
Naas, Lord
Napier, rt. hon. J.
Newark, Visct.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
North, Col.
Owen, Sir J.
Pakenham, Col.
Palk, L.
Palmer, R.
Paull, H.
Peel, Gen.
Pennant, hon. Col.
Pevensey, Visct.
Portman, hon. W. H. B.
Powell, F. S.
Pritchard, J.
Pugh, D.
Puller, C. W.
Ramsay, Sir A.
Robertson, P. F.
Rolt, J.
Rushout, G.
Russell, Lord J.
Russell, H.
Russell, F. W.
Sandon, Visct.
Sclater, G.
Scott, Capt. E.
Seymer, H. K.
Sheridan, H. B.
Sibthorp, Maj.
Smith, M. T.
Smith, rt. hon. R. V.
Smith, Sir F.
Smyth, Col.
Smollett, A.
Spooner, R.
Stafford, A.
Stafford, Marq. of
Stanhope, J. B.
Steel, J.
Steuart, A.
Stewart, Sir M. R. S.
Sturt, H. G.
Sturt, C. N.
Taylor, Col.
Tempest, Lord A. V.
Tollemache, J.
Tomline, G.
Trefusis, hon. C. H. R.
Trollope, rt. hon. Sir J.
Vance, J.
Vane, Lord H.
Vansittart, G. H.
Vansittart, W.
Verner, Sir W.
Verney, Sir H.
Waddington, H. S.
Walcott, Adm.
Walsh, Sir J.
Warburton, G. D.
Warre, J. A.
Warren, S.
Welby, W. E.
White, H.
Whitmore, H.
Willoughby, J. P.
Wise, J. A.
Wood, rt. hon. Sir C.
Woodd, B. T.
Worsley, Lord
Wrightson, W. B.
Windham, Gen.
Wyndham, Gen.
Wyndham, H.
Wyndham, W.
Wynn, Col.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.

Galway, Visct.
Grey, R. W.

REGISTRATION OF NEWSPAPERS.

PAPER MOVED FOR.

Mr. AYRTON, in rising to move for a copy of the case submitted to the Law Officers of the Crown respecting the Registration of Newspapers and other printed Papers, and their opinion thereon, said, that as he understood his Motion was not to be assented to by the Government, he would briefly state the grounds upon which it was based. By the 60th of George III. —one of those Acts which were passed at a time when legislation for the benefit of the subject was not so common as now—it was provided that no publication, whether a newspaper or a pamphlet, should issue unless the publisher gave a recognizance to the Crown to the extent of £400, with two sureties to the like amount, in case the printed paper should contain any seditious or blasphemous libel. Shortly afterwards, when the unreformed Parliament was endeavouring to contend against public opinion, and to put as many fetters as possible on the liberty of the press, that law was extended so as to require security not only against seditious and blasphemous libels but against every possible conviction for libel that might take place. He need hardly say that this Act was a gross obstruction to the establishment of any public journal, and the publication of any pamphlet or other literary production; but some time afterwards, when an Act was passed for regulating the stamp duty on newspapers, provision was further made that every person desiring to publish a newspaper should register himself, his printer, and his publisher, in the office of the Commissioners of Taxes. The main object of that Act was to protect the revenue by regulating the collection of the stamp duty; but it would be recollected that two Sessions ago the duty on newspapers was repealed, and, in his opinion, the securities which the law provided for the due payment of the duty ought to have ceased at the same time. When the Act was under discussion, however, great opposition was raised to its entire repeal, and the provisions affecting registration remained in force. The Government were disposed to modify those provisions, while many hon. Members at that time desired that the law should be wholly abrogated; but, in order to avoid any opposition to so desirable a measure as the repeal of the newspaper duty, they were content to accept a Bill confined to that one object, leaving untouched those restrictions, which had been introduced merely to facilitate the collection of the stamp duty. Whatever might have been the views of Parliament, it was quite clear that the moment the duty ceased to be paid, the public regarded the whole statute as obsolete; and, in point of fact, several newspapers had been published from time to time without any regard to the provisions of the law touching registration. No notice was taken of these publications by the officers of the revenue until a very recent period, when a circular was sent by the Board of Inland Revenue to many publishers, the concluding sentence of which was to the following effect:—

> "The Board, on finding that several newspapers were published without registration or the required security since the passing of the Act, rendering optional the payment of stamp duty on newspapers, have thought it right to consult the law officers as to whether, the Act having ceased, it remained incumbent on the Board to enforce the provision regarding the registration of newspapers, and the opinion given by the law officers upon the question is, that that duty is still imposed upon the Board."

Now, what he complained of was, that the Board of Inland Revenue had submitted an unfair and partial case, touching only a small part of the question, to the law officers of the Crown, who, if the whole matter had been put before them, would doubtless have given a much more comprehensive opinion than that ascribed to them in the circular to which he had referred—an opinion which would have rendered it incumbent upon the Board to prosecute, not only the publishers of newspapers, but every person who should issue any literary production in contravention of the statute. It was an abuse of power to single out a certain class of persons and punish them for violating provisions of the law which were equally disregarded by other portions of the community. The statute in question, one of the six Acts which were now universally condemned, was a disgrace to this country, and its enactments were so stringent and extravagant that no Government would venture to enforce them. It provided that any person who should print or publish for sale any newspaper, pamphlet, or other paper containing news, intelligence, or occurrences, or any remarks thereon, or upon any matter in Church or State, without giving recognizances in £400, with two sureties, to meet any charge of libel, would subject himself to certain penalties named in the Act. He did not think it possible that the Government could really intend to enforce all the provisions of such a statute, and in that case nothing could be more unfair than to apply the law to the publishers of newspapers, and exempt all other persons from its operation, and he considered the conduct of the Government in connection with this circular such an abuse of power, that he now asked the Government to lay the whole case before the House, in order that they might be able to judge whether they had dwelt with the whole subject or with only a small portion of it, with the view of making certain individuals the objects of persecution. In conclusion he might observe that he had received several petitions complaining of the manner in which the Government acted in regard to this question, and which he would lay on the table at the proper time. The hon. and learned Member concluded by moving for a copy of the case submitted to the law officers of the Crown respecting the registration of newspapers and printed papers, and their opinion thereon.

MR. W. WILLIAMS seconded the Motion.

Motion made, and Question proposed, "That there be laid before this House, a Copy of the Case submitted to the Law Officers of the Crown, respecting the Registration of Newspapers and other printed Papers, and their opinion thereon."

THE CHANCELLOR OF THE EXCHEQUER said, he confessed he did not very clearly comprehend the object of the hon. Member's Motion. The hon. Gentleman moved for a copy of a case submitted to the law officers of the Crown on the subject of the registration of newspapers, and the opinion given thereon. It was well known to hon. Members that it was not the habit of the Government to produce the opinion of the law officers of the Crown; they were confidential opinions, given for the guidance of the Government, and the value of such opinions, the freedom of counsel between the Government and their law officers would be at an end, if they were liable to be called for by the House. With regard to the object of the Motion, therefore, he did not think he was justified in acceding to it, and he hoped the hon. Gentleman, having had an opportunity of making his statement, would not expect that it should be granted. He would, however, proceed to answer the substance of the hon. Gentleman's remarks. Two years ago, when the stamp duty on newspapers, the compulsory stamp, was abolished, care was taken that the Act which was passed should not interfere with the registration of newspapers. He himself proposed the measure to the House, and he distinctly stated that it was intended simply to relieve the newspapers from the stamp duty, and not to touch any of the other parts of the law, one of which parts was the registration of newspapers, which was intended not merely for the convenience of the Government and the public, but to provide individuals who might be libelled with facilities for obtaining proof of the publication of such libels. The opinion of the law officers of the Crown was that the present law, as regarded registration, was not affected by the Act which removed the stamp duty. He did not know whether the hon. Gentleman had any doubt on the law, but if he had, he (the Chancellor of the Exchequer) could only say that the law officers of the Crown had no doubt on the subject. If any complaint was made against the exercise of the discretion of the Government with regard to the use of the registration, that was a matter which might fairly be brought before the House; and if the hon. Gentleman would state to him any case of that kind, he would have it investigated; but, so far as he was aware, there was no such case.

Mr. AYRTON said, he would take another opportunity of bringing the subject before the House.

Motion *negatived.*

SUPERANNUATION BILL.

LEAVE. FIRST READING.

Lord NAAS, in rising to move for leave to bring in a Bill to repeal the 27th section of the Superannuation Act of 1834, said he must claim the indulgence of the House for a short time even at that late hour (a quarter past eleven) while he laid before them a case worthy of attention, involving, as it did, the interests of a large number of some of the most devoted and most able servants of the Crown, and involving also a very serious grievance, which called for the immediate interference of the House. He approached the question with considerable diffidence, not from any doubt of the justice of his cause, but because he spoke in the presence of many who were better informed than himself upon the subject, and of others who were the authors of the Act of 1829, from which this system dated. The history of the superannuation of the Civil Service dated from 1810. Before that time no general system of superannuation existed, but various modes prevailed of providing retiring pensions for civil servants of the Crown. Life offices were created, the salaries of successors were frequently charged with pensions for the payment of their predecessors, and sinecures were created and pensions granted. In 1810 a general Act was passed, which dealt with the whole question of superannuation. In the Customs and Excise Department an old system of superannuation which had been the subject of various Treasury Minutes and Acts of Parliament still remained, but in 1812 a Bill was brought in by which the sum of £334,000, the amount of the old superannuation funds in the Customs and Excise, was swept into the Exchequer, and a general superannuation was granted to these civil servants on a liberal scale. That system continued up to the year 1820. A considerable period had then elapsed since the termination of the war, and the country was alarmed at the great expenditure upon various departments of the service. In that year Mr. Hume made his celebrated Motion in Parliament upon the subject, and an Amendment proposed by Mr. Bankes, to the effect that an Address be presented to the Crown, praying that an inquiry might be instituted into all the branches of the public service, political as well as military, with a view to economy and retrenchment, was carried. Upon that the Treasury, adopting the course which had always since that time prevailed upon similar occasions when Parliament had been attacked by paroxysms for retrenchment, set to work in earnest, and made their first foray upon the salaries of the clerks in the Public Offices, and a Treasury Minute passed in the year 1821 laid down the principle that all persons in the civil service should pay a certain percentage upon their salaries, in order to form a superannuation fund, and fixing a scale of allowance for retiring officers; and in 1822 an Act was passed to carry the provisions of that Minute into effect. But in the Report to His Majesty, made by Lord Sidmouth, then Secretary of State for the Home Department, his Lordship said it appeared to him to be much more rational to assign to civil servants such unencumbered salaries as might be thought just for them to receive, than to resort to the complex and illusory system of ostensibly giving them a certain salary and then deducting a portion of it for compensation. That was Lord Sidmouth's opinion of the very system which was prevailing at the present day. However, notwithstanding this and similar remonstrances from various quarters that Act was passed. It provided that all civil servants should contribute to a superannuation fund by a deduction at the rate of two-and-a-half per cent from all salaries between £100 and £200, five per cent from all salaries above £200, and ten per cent from all salaries above the regulated amount—that was to say, beyond the amount which might be fixed as the future permanent salary of any civil officer. It was at the same time provided that in case of the death of any civil servant, or of his resignation or removal from office, without his having received any retired allowance, the whole amount of his contribution should be repaid. The principle of that Act, however, appeared to be so unjust that in the year 1824 it was repealed, and an Act was passed which provided that the whole charge for superannuation should again be placed on the public revenue, and that the amount of the deductions received under the previous Act, which amounted to the sum of £90,000, should be returned to the contributors. He had, therefore, in favour of the proposition which he intended to lay before the House, the strong fact, that the system of charging public servants for the superannuation allowance to be made them, was during its trial between the years 1822 and 1824 so universally condemned, that the Government felt bound to bring in an Act to repeal it after its trial for that period. Well, the new system continued for some years, until again the attention of the Legislature was directed to the heavy charge for superannuation, and in 1828 Sir Henry Parnell's Select Committee on Public Income and Expenditure, in their third Report, recommended the readoption of the system which existed between 1822 and 1824. They proposed, however, to make a distinction as to the scale of superannuation between the then existing civil servants and those who should be afterwards appointed, and they recommended that in the case of future appointments the scale should be so regulated that the whole charge should be provided out of the fund raised by deductions from their salaries without any cost to the public, while, at the same time, having regard to vested interests, the scale prescribed by the Act of 1822 should be maintained in the case of existing civil servants, and if there should be any deficiency in the fund that that deficiency should be made good from the public revenue. A Bill had been introduced by the then Chancellor of the Exchequer to carry those recommendations into effect, but after meeting with a strong opposition, headed by Lord Glenelg, that Bill was withdrawn. He had thus brought the history of the matter up to the year 1829, and from that year the system which at present existed dated. Up to that year there existed a system of superannuation to which the clerks in the public offices were not called on to contribute. This was the subject of such discussion in Parliament, and though the Bill of 1828 was withdrawn the Government in the following year showed that they had not given up the idea, for in that year a Treasury Minute was passed for the purpose of reducing at a future period the heavy charge for superannuation, and by that Minute deductions were imposed upon the salaries of all civil servants who might be thereafter appointed, at the rate of 2½ per cent on salaries not exceeding £100, and of 5 per cent on salaries exceeding that amount. A subsequent Treasury Minute, passed in 1831, regulated the mode of awarding retiring allowances, and in 1834 an Act was passed which carried those arrangements into effect. By that Act the scale of retiring allowances was fixed to commence at one-fourth of the salary after ten years' service, with a septennial increase until it ended at a *maximum* of two-thirds of the salary after forty-five years' service. It was easy to guess what the object of the Government was in 1834 in passing that Act. It was simply to reduce the public expenditure under the guise of a Superannuation Fund. The avowed object was, provision for civil servants; but, looking to the circumstances of the time in which that Act was passed — to the fact that public charges for effective servants had reached the amount of £21,000,000, and for non-effective £5,000,000 — there could be no doubt that the *bonâ fide* object of the measure was the reduction of expenditure, while the Government endeavoured to persuade the country that in forcing the civil servants to contribute to the Superannuation Fund they were granting a boon to those servants. It might be asked why that Minute of 1829 was not protested against? The fact was, there was no one to protest against it; because as the Minute of 1829 was not retrospective, there was no one concerned in opposing it at the time. That legislation was for children unborn. Having thus sketched the history of the superannuation system, he would now show the manifold inequalities and anomalies which existed in it. The Royal Commissioners, who had presented their report in the spring of the present year, divided the civil servants as regarded superannuation allowances into five classes. The first class included the higher political and judicial offices and the diplomatic service, and to the persons in this class pensions were granted without deductions. In the second class were civil servants who received their appointment before the 4th of August, 1829, to whom superannuation allowances on a very liberal scale were given without any deductions. To the third class belonged civil servants appointed subsequent to the 4th of August, 1829, and those connected with the departments which, since the passing of the Act, had been brought under the operation of the Treasury order, their salaries were charged with deductions. The fourth class included those who were neither subject to abatements nor entitled to superannuation allowances; and the fifth, those who were not brought within the Act but obtained superannuations from the Treasury. Out of 56,740 employed in the civil service, at salaries amounting in the aggregate to £5,595,000, only 15,311 were subject to abatements; the other 41,429, whose salaries amounted to £3,172,000, were guaranteed their pensions, but suffered no abatements. This was one of the monstrous inequalities by which the system was characterized. But there was another anomaly to which he wished to call the attention of the House, and that was, the unequal operation of the tax on the different classes. To show the inequality between the second and third classes, suppose that A entered the service in 1828 at the age of twenty. He might after fifty years' service be entitled to a pension of £100 a year for which he would have suffered no abatement. If B entered the service in a similar capacity in 1830 he would after fifty years' service be entitled to a pension of only £66 13*s.* 4*d.*, and would have suffered abatements to the amount of £1,049. The inequalities were not, however, confined to differences between classes, they were to be found in the treatment of different members of each class. For instance, in the Post Office, letter carriers, messengers, and mail clerks paid no abatements, but were entitled to superannuations. [Mr. Wilson made a gesture of dissent.] Superannuations had been granted to letter carriers who had served the country for a length of time. The officers in the higher departments of the office, however, were liable to abatements. In the same branch of the service the chief officers at London, Dublin, and Edinburgh suffered abatements, while those at Liverpool, Manchester, and Glasgow neither paid for superannuation nor received it. Some time ago it was discovered that the officers of some of the hulks at Portland and similar places suffered abatements, while the officers who were at Millbank, Dartmouth, and other prisons did not; but this inequality was removed by a Treasury Minute, passed in the year 1851, which abolished the deductions from the salaries of officers of the hulks, and granted them superannuations on a different scale of allowances. These were a few of the inequalities and anomalies which existed, and which might be multiplied almost *ad infinitum.* If different classes were differently treated, it amounted to this—that public servants were differently remunerated for the discharge of the same duties. So unsettled and so fluctuating had been the conduct of both the Government and the Legislature upon this question, that the civil servants could not consider that Act of 1834 as a final settlement of the question. In addition to these inequalities there were weighty objections to the whole system of the civil service. These objections might be divided into three classes. The first objection was that the civil servants were not altogether sufficiently remunerated. Into that question he did not propose to enter, and with it his Bill would not interfere. At the same time he might be allowed to state, that of 16,000 persons included in the second and third classes the average pay was only £141 per annum, and of two-thirds of that number the average salaries amounted to but £86 per annum. It could not be said that those amounts were exorbitant. Sir Charles Trevelyan had stated in his evidence before the Commissioners that the Treasury had lately, in fixing salaries which were not to be subject to deductions, fixed them at the same amount at which they would have stood if no abatements were to be made from them for superannuations. This was another proof that the civil servants were not overpaid, and that the question of superannuation ought not to be mixed up with that of the salaries. The second objection which they took was, that many of those who contribute to the fund do not get any benefit from it. Cases of this sort involving great hardships had come to his knowledge. In some cases men had died having contributed to the fund for a great part of their lives, and their wives and families had received no benefit from it. It was calculated that only one in seven of those who paid ever derived any advantage from the fund. It might be said that the amount of superannuation allowances fairly represented the amount of the contributions, but he felt convinced that the most delicate calculations of all the actuaries in the world could not persuade the six out of the seven who never received any allowance that they were fairly treated. The system partook of the nature of a tontine, and was liable to all the objections urged against tontines. It was, in fact, a species of gambling. The third objection was that the amount of reduction was more than equal to the whole superannuation paid. The tax at present amounted to upwards of £66,000 a year, and the allowances paid were only about £11,000. During the twenty-seven years that the Act had been in operation the civil servants had paid £900,000, of which £80,000 only had been returned to the contributors in the shape of allowances, leaving a balance of £820,000, which if it had been funded would have amounted to £1,000,000. Such were the imperfections of the superannuation system, and so great were the objections felt to it that in the beginning of last Session the Government brought in a Bill to amend it. That Bill was satisfactory so far as it went, but it did not deal with the question of the deductions. It was referred to a Select Committee, which went very deeply into the subject and agreed to several important Resolutions. The first Resolution, proposed by the noble Lord the Member for Lynn (Lord Stanley), and carried by a majority of nine to two, was neither more nor less than a condemnation of the whole system of reductions. It was as follows:—

> "That in the opinion of this Committee it is desirable to do away with the system by which a portion of the salaries of civil servants is deducted on account of superannuation allowances."

The second Resolution was proposed by the hon. Member for Horsham (Mr. FitzGerald), with the exception of the words at the end, which were proposed by the hon. Member for Richmond (Mr. Rich), and only carried by a majority of one. It was,—

> "That, as a condition of such deductions being done away, the rates of payment in the various branches of the civil service shall at the earliest possible period be revised, with due regard to the amount of deductions remitted."

The consequence of the Report of that Committee was that at the end of the Session the Government brought in a Bill which was founded on the Report; but, besides proposing to remove the deductions paid by the civil servants, it also proposed, in consequence of that remission, to reduce the salaries to the amount of the deduction remitted. It also proposed to calculate the superannuations which the civil servants were to receive upon the reduced scale of salaries, so that if it had passed into law the civil servants would absolutely have been in a worse position than they were now. The Bill consequently did not meet with general approval, and, owing partly to that cause and partly to the advanced period of the Session, it was withdrawn. In the recess the Government took the very wise and proper step of referring the whole matter to a Commission. That Commission was composed of Lord Belper, Lord Monck, Sir Alexander Spearman, the hon. Member for Southampton (Mr. Weguelin), and Sir Edward Ryan. Considering the high position and experience of the Commissioners, and the long time that this question had been debated, he was justified in looking at their decision in the light of an arbitration between the civil servants and the Government. On their decision he rested his whole case, and he craved the attention of the House to this very important passage of their report:—

> "It has not been without much anxious consideration that we have arrived at the conclusion that it is our duty to recommend the total abolition of deductions for the purpose of superannuation, without any corresponding reduction in the salaries on which such deductions have been charged. Our first impression in entering on the inquiry referred to us was adverse to this arrangement; but on a careful review of all the difficulties of the case we became satisfied that, with a view to public interests alone, we could recommend no other settlement of the question as likely to be permanent and satisfactory. We are aware that the present system of deductions has had high authorities in its favour, and at the time when it was introduced it may have been considered a convenient mode of carrying into effect the unpopular measure of a general reduction of salaries. Nevertheless, for the reasons which we have already stated, we believe it to be unsound in principle; and we think that its inherent defects have developed themselves in difficulties of administration, of which the effect has been to create a mass of anomalies and inconsistencies most injurious to the public service. In this, as in other similar cases, it may be found impracticable to escape from a vicious principle and to

establish a reasonable and uniform system without some temporary pecuniary sacrifice. But, believing that there is no other satisfactory solution of the difficulty, being confident that the ultimate advantage of the public will be much more than a compensation for any possible temporary loss, and having regard to the importance of maintaining the character and efficiency of the civil service, we are of opinion that by the recommendation which we have made we shall best discharge the duty which has been assigned to us."

A recommendation more strong or more forcibly expressed he never met with. One word with regard to the pecuniary loss which his proposition might occasion to the Exchequer. That loss, he believed, might be amply compensated if this question were sincerely taken up, and a thorough revision made of the salaries of all the civil servants. By selecting such of them as were thoroughly efficient and giving them to understand that they would be treated well and liberally paid a great reduction might be made in the present number of the civil servants. Moreover, the superannuation allowances granted several years ago were much more liberal than the present scale, and of course as the present recipients died off there would be a reduction of expenditure in that respect. But even if a slight addition were made to the national burdens by his proposition, he believed that it would be amply compensated by converting a discontented into a contented and cheerful class of men. There was a precedent for the course which he recommended. He alluded to the measure adopted in 1847 with regard to the Chelsea pensioners on the Motion of Lord Panmure, then Mr. Fox Maule, and which was regarded as just, notwithstanding the addition which it made to the public burdens. Up to that year the pensioners were subject to a deduction of 5 per cent from their pensions, on account of their being paid in advance. This, however, was remitted to them, and thus a charge of £60,000 a year was thrown on the country. The Government had no reason to justify them in refusing to deal with this question. They had been asked several times this year whether they intended to bring in a Bill on this subject, but they merely replied that until the question which the Committee had put to the actuaries with regard to the deductions under the Act of 1834 had been answered, they could not undertake to submit any proposition to the House. But, as the system established by that Act had been unequivocally condemned by the Committee itself, and also by the Commission, the answer to that question could not at all affect his proposition. He thought he had shown that there was a sufficient reason for the immediate abolition of the Superannuation Tax, and as the Government declined to do anything in the matter, he called upon the House to support his Bill. The remedy which he proposed was sharp and decisive, it was to introduce a Bill containing but one clause, repealing the 27th Section of the Act of 1834 which authorized the deductions. This course, however, would not prevent the Government from imposing such conditions as they might deem necessary. Those conditions might be discussed hereafter. The merits of the civil servants had been admitted from time to time by every eminent statesman. The civil servant was seldom rewarded by popular applause. He worked generally in retirement and often in obscurity. The only reward which he could hope to receive was his small salary and the consciousness that he had faithfully discharged his duty. If the Government admitted that the grievances of which the civil servants complained ought to be abolished, he hoped that they would support his Bill, and endeavour to carry it through Parliament. If, however, they should refuse to give him their support, he hoped that they would state frankly what course they intended to take. The noble Lord concluded by moving for leave to bring in a Bill to repeal the 27th Section of the Superannuation Act, 1834.

Mr. HANKEY said, he rose to support the Motion. He did not deny that the civil servants were bound by the terms of the Act of Parliament which was in force in reference to the civil service when they received their appointments, but the question was whether it was right to enforce an Act which had been found to work with grievous injustice towards them. It was a sound principle, acknowledged by all the highest authorities who had considered the subject, that the proper way of paying the civil servants was to give them a moderate salary, and to hold out to them the expectation of a moderate retiring pension when no longer able to discharge their duties. If the salaries were fixed on a fair and equitable scale then it was unwise and unjust to impose a tax upon them such as they were now subjected to. It was said that notwithstanding this tax there were always plenty of candidates for these offices. He believed that if a tax of 20 per cent.

were employed, the Government would still find an abundance of applications; but that would not prove the system to be a wise one. Was it a wise provision to make a man put by a certain amount of his daily earnings, when he might prematurely die, and his wife and family derive no benefit from it? The House had no right—it was not morally honest to call on the clerks of the civil service to make such a sacrifice. They could make a much better and safer use of their money themselves in providing for those who had a claim upon them than any Government or Parliament could possibly do. Where was the fund to which they were said to contribute? It had no existence. He defied any hon. Member to show that the amounts paid by those clerks were credited to them in any of the public accounts. He must say he regretted that the noble Lord had felt it his duty to bring forward this Bill, for it was derogatory to the character of the Government of this country that there should be quarrels and disputes between them and their servants. That House never could enter into the question truly, or settle it in any satisfactory manner. Nevertheless, the movement was in the right direction, and he would give it his support. He would prefer, however, to see the Government take up the question and settle it in a manner satisfactory both to the civil servants and the country.

THE CHANCELLOR OF THE EXCHEQUER: Notwithstanding the late hour at which we have arrived (twenty minutes past Twelve o'clock), I shall feel it my duty to follow the noble Lord through the statements which he has laid before the House. The subject is too wide, the questions involved are too large, the civil service, whose interests are affected, is so important, and the sum of money which the noble Lord proposes to vote away is too great, to allow me to be silent on this occasion, or to pass the Motion by without putting the House in possession of what I consider to be the material facts of the case. I can assure the House that the task is not one that I have any desire to undertake; but I feel that it is a task from which, in the discharge of my duty, I ought not to shrink. The noble Lord has given a very clear, and, with one or two exceptions, which I shall presently notice, a very fair account of the origin of the present law with respect to superannuations. The true origin of the present state of things is this:—In the period immediately after the peace, the feeling in the House and country ran strongly in favour of economy, and one of the objects to which economy was directed was a reduction in the Civil Service Superannuations—"the dead weight," as it was called. I have before me the work of Sir Henry Parnell on financial reform, which embodies the general view held at the time, and in which he expresses a decided opinion against all superannuation pensions whatever. He says the salaries of the civil servants are unnecessarily high, so high as to afford every person adequate means of making provision for himself, and speaks of it as being undesirable that Parliament should grant them any superannuation pensions whatever. I do not coincide in that opinion. I only mention it to show the opinions in which this legislation began, and which there are in the House hon. Members old enough to remember. The Finance Committee at that time appointed recommended that reductions should be made from the salaries of the civil servants sufficient to create a fund out of which superannuation pensions might be paid, and an Act was passed embodying that recommendation. But when they came to apply the system to the salaries of existing civil servants, the strongest objections were made to it by them and by their friends in the House, on the ground that it was an undue interference with vested interests; that persons who had entered the service on certain conditions ought not to have those conditions disturbed by the interference of Parliament and by the imposition of an annual tax on salaries for the creation of a fund out of which superannuation pensions should be paid. The result was that the Act which enforced that system was repealed, and the sums actually received as abatements from the civil servants were, by the order of this House, repaid. In consequence of the failure of that attempt, the Treasury, on the recommendation of the Finance Committee in 1829, introduced the system at present existing, namely, that all persons entering the civil service after a certain day should be subject to a deduction from their salaries. Inasmuch as that regulation did not interfere with existing interests, and as everybody who accepted office had full notice of the deduction, it was thought a fair one, and was first embodied in a Treasury Minute, and afterwards, in 1834, in an Act of Parliament. Every civil servant who entered the service since 1829, and, subsequently, since

1834, has had full notice that he accepted office upon these terms, and knew that the full salary voted by this House was not the sum which he would receive, but that in case his salary was under £100 he would receive it subject to a deduction of $2\frac{1}{2}$ per cent; and, if above £100, of 5 per cent. That regulation, as I have said, was embodied in an Act of Parliament; everybody had full notice; and there is not the smallest pretence for the assertion that any breach of contract has taken place with any portion of the civil service. The same Act of Parliament also introduced a certain scale of pensions, and, in like manner as each civil servant knew that he was liable to the annual deduction, so he knew that he would only receive a pension under the terms described by the Act. The question of a fund never arose. Neither the Treasury Minute nor the Act of Parliament contained a word about a fund. The Treasury made no fund; they merely accounted for the deductions, which were in the nature of a tax laid upon the salaries of the civil servants, and these deductions were annually stated in the papers presented to Parliament. There never was the smallest pretence for saying that the whole matter was not fully within the cognizance of Parliament. Remember, I am not now justifying the system, but describing the way it arose. That system has continued from 1834 down to the present time under the operation of an Act of Parliament, but as the number of civil servants who were liable to the abatement increased, which they did in successive years, and as the operation of the war income tax made itself felt, the deduction from the salary of 5 per cent under the superannuation tax, and of 6 per cent under the income tax, no doubt pressed very hardly upon them. Their complaints gradually increased, owing to the joint operation of these two causes, and on succeeding to the office I now hold, I found that many representations were made, that the question had been brought forward in this House, and I was also informed that a Bill had been prepared in the Treasury which dealt with the subject to a certain extent, making no alteration in the abatements, but introducing an improvement in the scale of pensions. In the beginning of the Session of 1856, I introduced a Bill which brought the subject under the notice of the House, and at the same time, wishing to treat the question in the fairest manner, I moved for a Select Committee, in order that the measure which I had introduced should undergo consideration by it, but principally for the purpose of enabling the House to hear the complaints of the civil servants and examine the foundation upon which the existing system rested. The complaints in question turned very much upon the opinion as to the existence of a fund to which the noble Lord has adverted, and also upon the circumstance that, as it was alleged, the civil servacts paid more than they received, that the bargain between them and the public was an unfair one, that the public gained more than it was entitled to, and that the deductions were, in fact, an unjust arrangement between the two parties. This matter was very fully gone into, and during the course of the investigation, the Committee desired that the opinion of two eminent actuaries should be taken upon a question which involved the equity of the case of the civil servants—that is to say, whether or not they paid more than they received. The matter was accordingly referred to by two actuaries, who found it involved such a vast quantity of numerical details, that they were unable to complete their report before the Committee terminated its sittings; and, therefore, the Members of that Committee were not assisted in their decision by the opinions of these two gentlemen. The Committee, however, came to an important Resolution as affecting the subject of the noble Lord's Motion. They resolved, upon the Motion of the noble Lord the Member for Lynn (Lord Stanley), "that in the opinion of this Committee, it is desirable to do away with the system by which a portion of the salaries of civil servants is deducted on account of superannuation allowances." They, therefore, condemned the system of annual abatements. When this Resolution was under the consideration of the Committee, a noble Lord not now in the House, but who then represented Portsmouth (Lord Monck), at my suggestion (for I was Chairman, and could not myself propose it) moved the addition of these words:—"With respect to all persons who may enter the civil service after a future day to be named." The proposal which seemed to me an equitable one was, that we should leave all those persons now in the civil service in their present positions, without varying the terms upon which they accepted office, but that the system of deductions should be abolished with regard to all future civil servants.

The noble Lord (Lord Stanley) acceded to that Amendment, but the majority of the Committee were hostile to it, and therefore the Resolution was carried simply as a condemnation of the system of annual abatements. However, the Committee felt the difficulty they had to encounter in making an indiscriminate addition to the salaries of the existing civil servants without any corresponding increase of duty on their part, without any claim on the ground of merit, but simply because this tax had been imposed, and it was now thought advisable to remit it. The Committee, on consideration, felt the difficulty of adding £60,000 or £70,000 a year to the salaries of the civil servants without any apparent reason, and therefore they came to this additional Resolution, which, as they thought, would meet the difficulty. They resolved:—

> "That as a condition of such deductions being done away with, the rates of payment in the various branches of the civil service shall at the earliest possible period be revised, with a due regard to the amount of deductions remitted, as there is no ground for an indiscriminate augmentation of salaries, which would otherwise result from the change proposed; that the revision now referred to shall be made previous to the 1st of April, 1857, when the abatements shall cease."

I certainly understood this Resolution to mean that the Treasury should revise all the salaries of the existing civil servants, and that, except in some special cases which might require peculiar consideration, they should reduce all the present salaries to an amount equivalent to that of the abatements, so that, although the abatements themselves should be abandoned, the total amount of the salaries received should be unchanged. That was the effect of the Resolution come to by the Committee, and it was embodied in the Bill, which, however, came under the consideration of the House too late in the Session to be passed into law. I was pressed to abandon it, and having done so, in deference to what appeared to be the opinion of the House, there the matter ended for that Session. During the recess, it appeared desirable to Her Majesty's Government that this matter should undergo further investigation, and, accordingly, a Commission was issued, composed, as the noble Lord has with great candour admitted, of very able and competent persons, who produced a Report, the ability of which must be generally recognized. But the question which now arises is, whether the House shall at once proceed to repeal the clause in the Act of 1834 without any further legislation on the subject, merely upon the suggestion of the facts brought under their notice to-night. The noble Lord did not state to the House that the recommendations of the Commissioners involved a great number of questions which do not belong strictly to the subject of these abatements, and if he founds his case upon the Report of the Commissioners he is bound to give effect to the whole of their recommendations. The noble Lord said that it would be competent for the House, if they gave him leave to introduce his Bill, to accompany it with conditions which might restrict its operation. In answer to that, I beg leave to say that such a proposal does not meet the case. The recommendation of the Commissioners refer to many subjects quite independent of the conditions for the abolition of the abatement. In the first place, they recommend a new scale of pensions. Well, that can hardly be considered a restriction upon the abolition of the abatements; it is a separate subject which requires careful consideration. They further recommend an alteration with regard to the age of retirement, a provision respecting compulsory retirement, another respecting gratuities to be allowed to public servants, another with reference to compensations. They also make a recommendation respecting political pensions, another as to the pensions of judicial officers, to be arranged on a separate scale; and other recommendations refer to dockyard officers, the department of the Post Office, and the class of extra clerks. Those are the matters which, if the House be inclined at this moment to take up the subject, it will be absolutely necessary in some way to deal with. Another part of the question which must be considered is the great magnitude of the sum involved, and the importance of not taking a hasty step or legislating on imperfect information on account of the large pecuniary interests which are at stake. I will just state what is now the entire charge for pensions and superannuations of the civil service, and the House will see how large a sum we have to deal with. The diplomatic pensions amount to £25,718; the judicial and legal pensions and compensations for loss of office or fees amount to £240,551; the civil service pensions under the Superannuation Act amount to £867,295; and the pensions granted to artificers of the navy and ordnance amount to £74,700, making a total of £1,208,264 per annum now payable in respect of superannuation allowances to the civil service, and with a large portion of which we are asked to deal according to the Bill of the noble Lord. At present the Act is in this form—that all the departments which are brought under its operation are subjected to annual deductions, and that those departments which are not brought under its operations are not subjected to annual deductions, and are not entitled to the superannuation pensions. The present rule, therefore, with regard to deductions draws a line in some measure between those offices which are entitled to superannuation pensions and those which are not; and if that clause of the Act of 1834 were simply abolished without any further legislation, a large class of salaried officers would immediately come upon the Treasury, and would apply for superannuation pensions, on the ground that they were now equally entitled with the rest, inasmuch as the system of deductions was abolished. The salaries of civil servants, subject to deductions under the Act of 1834, amount to £2,426,699 per annum, and the salaries of civil servants not subject to deduction amount to £4,910,602. Officers of the latter class are not now entitled to superannuation pensions; but if we simply abolish the present abatements, without taking a general view of the subject, and adopting the precautions which such a change in our system necessitates, we shall find a heavy permanent charge added to the expenditure of the country. I am perfectly willing to concede to the noble Lord that the present system, under which superannuation allowances are granted, is full of anomalies and inconsistencies, and that the present rule with respect to the abatements is far from satisfactory. I cannot admit, however, that the creation of a fund was ever promised either by Parliament or by the Government; neither can I admit that there has been any breach of a contract by any Government. The Commissioners themselves distinctly state their opinion that no such breach of contract has taken place, and that the civil servants have no claim on the ground of equity for the proposed change. The Commissioners recommend the change on the ground of expediency. They say, "the system is a bad one; you must pay forfeit for the abolition of it; you cannot get rid of it without surrendering £60,000 or £70,000 a year, and we think the system is so bad that we advise you to abandon it even at that cost." I admit, then, that the system is a bad one, and I regret that it was ever introduced. Still, it was deliberately introduced by Act of Parliament in 1834; that Act of Parliament has been in force ever since. All persons who have entered the civil service since that time have been perfectly cognizant of its provisions, and all the salaries of the present officers have been received subject to those deductions. Moreover, most of the great departments of the Government have been repeatedly revised since 1834; the salaries have been fixed with the knowledge that they were subject to these abatements; they have been received with that knowledge; and, I may add, that though the salaries of the political officers have in many cases undergone reduction during the last twenty years, yet that the alteration of the salaries of the general body of the civil service has been in the shape of increase, and not of diminution. Under these circumstances, I cannot admit that there is any equitable ground for the claim of the civil service. It is a matter, no doubt, for the consideration of this House whether they will make such an alteration in the law as will confer this immediate and indiscriminate increase of salaries upon the civil service. It is a mistake to suppose that this is a matter which is within the competency of the Executive Government. The Executive Government has no power to make the change that is suggested. The provision is included in an Act of Parliament; the present abatements are a tax upon salaries which is levied upon the authority of an Act of Parliament like any other tax; the Treasury is merely ministerial in the matter, and an Act of the Legislature will be necessary to effect the proposed alteration. Looking, then, to the extensive consequences of the simple alteration of one clause which the noble Lord proposes, and considering the necessity of legislating upon this subject—if it is to be legislated upon at all—in a more comprehensive manner and with a wider regard to consequences than is now proposed, it is not in my power to vote in favour of the Motion of the noble Lord. I would also say, that I do not see how the Government would be justified in undertaking to do anything with regard to this question until the Report of the actuaries has been received. The subject is now under the consideration of the actuaries, and the Commissioners promise the result in a supplementary Report. Under all the circumstances, then, and looking at the position in which the question stands, I do not see how it would be possible for me to accede to the Motion of the noble Lord. It is for the House to say whether the question can be decided in this summary manner, and whether, as guardians of the public purse, considering the large sum of money involved in this Motion, they think themselves justified in deciding in favour of it.

SIR FRANCIS BARING said, this was a question of so much importance as concerning the whole Civil Service, that the House ought not to come to a conclusion upon it without the fullest discussion. As that was impossible that evening, he hoped his right hon. Friend would waive his objection to the introduction of the Bill and allow the discussion to be taken on the second reading.

THE CHANCELLOR OF THE EXCHEQUER said, he was willing to assent to the introduction of the Bill, provided that it was fully understood that the object of such concession was merely to give an opportunity for fuller discussion, but the noble Lord must not be misled into believing that the Government would agree to the principle of the measure which was proposed.

Leave given.

Bill *ordered* to be brought in by Lord NAAS and Mr. HANKEY.

Bill read 1°.

The House adjourned at a Quarter after One o'clock.

HOUSE OF COMMONS,

Wednesday, July 1, 1857.

MINUTE.] PUBLIC BILL.—2° Medical Profession (No. 1).

MEDICAL PROFESSION (No. 1) BILL.

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. CRAUFURD said, that in moving that the Bill be read a second time on that day six months, he would glance at the history of former attempts at legislation on the subject of medical reform. In the course of last year, his hon. and learned Friend (Mr. Headlam) introduced a measure, on which considerable labour had been bestowed, and which to a great extent elicited the united support of the medical profession, more especially of the large body of practitioners constituting the Provincial Medical Association. To secure the unanimity necessary to give a measure of that kind a fair chance of success, it was framed on the principle of a compromise. With the view to carry out that spirit in the fullest sense, and to do justice to certain Universities and other bodies concerned in the question, his noble Friend (Lord Elcho) also thought proper to bring forward a second Bill, when the House, having regard to the magnitude of the interests involved, and anxious to avoid hasty legislation, decided on reading both of the measures a second time, and then referring them to a Select Committee. The task entrusted to the Committee was that of investigating the merits of the various compromises suggested by the Bills, in order, if possible, to gather from them some means of settling a long dispute. Most of the hon. Gentlemen who composed the Committee were Members of the present Parliament; and though they entered upon their inquiry with the greatest discordance of opinion, yet, by dint of the most careful attention to the subject, together with an earnest determination to arrive at a practical result, their differences were gradually eliminated, and rarely has a Committee come to a more unanimous conclusion than that they ultimately came to. The consequence was the framing of a measure considerably modifying the one proposed by the hon. and learned Member for Newcastle (Mr. Headlam), and assuming the form now presented to the House by the Medical Profession (No. 3) Bill, introduced by the noble Lord the Member for Haddingtonshire (Lord Elcho). In the shape in which that Bill came down from the Committee it almost entirely coincided with the measure which had been originally drafted by the Provincial Medical Association, but which had been modified in some of its details in the Bill introduced in 1856 by the hon. and learned Member for Newcastle (Mr. Headlam), in order to conciliate the corporations, who threatened to offer to it a strong opposition. Everything was in a fair train for the solution, in a manner satisfactory to all parties, of a very difficult and tangled question, when unfortunately the late period at which the Committee concluded their labours rendered it necessary that the matter should stand over till another Session. Since then his hon. and learned Friend (Mr. Headlam) introduced a Bill last Session, which he presumed was the same as the Bill now under discussion, but which, owing to the dissolution early in the spring, was not printed. Now, it was certainly not a little extraordinary, after there had been a complete investigation of this subject by a Committee, that his hon. and learned Friend should almost wholly disregard the decision of that Committee, and should again introduce a Bill nearly identical with that brought in by him in the Session of 1856. He regretted this exceedingly, because, when they had got so far on the road to a reform of the medical profession, it was hardly wise to take what appeared to him a retrograde course, and by raising a new element of discord, create a fresh impediment to the settlement of that important question. What were the provisions of the Bill? It betrayed a greater anxiety to consult the interests of the corporations than he thought the House would sanction, by compelling every person who had passed an examination and who was to be entitled to practise, to become a member of some one of these corporations, and, what was more, it confirmed *in perpetuum* to these bodies the large fees which most people thought it highly desirable to abolish. Now, he (Mr. Craufurd) did not want to upset vested interests, but he was certainly indisposed to perpetuate an expensive system like that now existing, and to continue these corporations in the possession of privileges which were no longer suited to the spirit of our times. His noble Friend (Lord Elcho) made no such proposal. Bill No .3 dealt tenderly with vested interests; it did not sweep away the medical corporations, which had undoubtedly done much good in their time, and which might continue to be beneficial to the profession if put on a sound basis; but, on the other hand, while preserving their dignity and prestige, it did not compel students before they could be admitted to practise to pay heavy fees to these bodies. It required that students should pass a preliminary and a professional examination, that there should be a minimum of qualification; it constituted a board of examiners from the corporations and the universities which now exercised the privileges of admitting to practise; it enacted that the title to practise should no longer be absolutely given by them, but after the student had been admitted to practise, he might still, if he chose, stand the examination, and obtain the higher degrees of any of the colleges of physicians or of surgeons, and affix to his name the additional title he would thus acquire. His noble Friend would, in fact, preserve the existing rights of these corporations, but would not compel a practitioner to pay to them the large fees which they at present obtained. That was one important change which the Bill of his noble Friend would effect. Another distinction between the Bill of the noble Lord and the hon. and learned Gentleman referred to the medical council. Last Session he (Mr. Craufurd) confessed that he was much wedded to the principle of a representative body. He thought it very fair that the profession should regulate itself, and that if it were possible to concoct a workable council on the representative principle, that would be the proper course to pursue. He must say, however, that the discussion which had taken place in the Committee upstairs, and the fuller consideration of the subject brought before them, had induced him to change his opinion. Though in theory a representative council might be thought the best, he was now convinced that it would be impossible for such a body to work in a manner satisfactory to the profession; that from its size it would be unwieldy and unmanageable, and that though nominally based on a system of representation, it would not have within itself that element which was essential to its proper working, namely, the element of responsibility. On the other hand, however objectionable in principle a Council nominated by the Government might be, a body so constituted would certainly be responsible to the country through Government; the head of the Council would have a seat in that House; and thus you really carried out the principle of responsibility to the public; whereas by the Bill of the hon. and learned Gentleman, though you got the shadow of responsibility, the substance would in reality evade you. These were the main features of difference between the two measures proposed on this subject. For his own part, he owned that he thought the Bill now more immediately under discussion was in no way calculated to advance the interests of the medical profession, though it would increase the privileges of certain corporations at the cost of the public. The Bill of his noble

Friend would reduce the expenses of students by requiring them simply to pay a small fee on the first preliminary general examination, and a somewhat larger fee on admission to the profession upon the second examination. These two comparatively small fees would replace the enormous ones now levied, and thus a great boon would be bestowed on the profession. It was most desirable that a uniformity of authority should be obtained in this matter. At present it was necessary, in order to enable a medical man legally to practise in every part of the kingdom, that he should have received not less than twenty-two diplomas, and that he should have paid fees to as many colleges or other corporate bodies. It would have been more for the honour and dignity of the medical corporations to have rested on their long and deserved reputation, and the feeling of the country in their favour, and have come forward and said, "We will not seek to obtain by Act of Parliament that which the country would refuse to give us without an Act of Parliament." Let them throw themselves upon the country then, and they would find that when placed upon a broad and popular basis they would receive the public support. He would not detain the House further, but conclude with moving as an Amendment that the Bill be read a second time that day six months.

MR. BLACK seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

VISCOUNT BURY said, the effect of the Amendment, if carried, would be to substitute the Bill of the noble Lord (Lord Elcho) for that of the hon. and learned Member for Newcastle. The difference between the two measures was, that whilst the Bill of the noble Lord provided that the medical board should be appointed jointly by the Board of Health and the Privy Council, in certain proportions for England, Scotland, and Ireland, the Bill of the hon. and learned Member for Newcastle provided that each of the licensing bodies now in existence should send one representative to the Board, to sit with a certain number of Gentlemen to be nominated by the Government. Now, as a lover of the representative principle, he could not but think that the latter was the better system of the two. The hon. and learned Member for Ayr (Mr. Craufurd) had pointed out the inexpediency of placing power in the hands of corporations which had already proved themselves incompetent to exercise it, but it should be remembered that though these licensing bodies might have failed, when acting singly, to use their power with good effect, that was no reason why, when they were supplied with the means of combination and united action for the advancement of the common object, they should not do all that could be required of them. The noble Lord's Bill called upon the House to believe that the President of the Board of Health would send to the Council better qualified persons than these licensing bodies, composed, as they were, of men who had devoted their whole lives to the study of their profession. He feared, too, lest this system of nomination should be made use of as a political engine; that when one party was in power, the most necessary qualification for Members of the Council would be that they should be good Whigs, and so with the other side of the House. The only objection he had heard to the Bill of his hon. Friend was, that it perpetuated the absurd distinction between physicians and surgeons; but he could not see that there was any foundation for such a charge. On the other hand, he considered that the Bill of the noble Lord would really perpetuate the system of having two classes of medical men. On another point, he certainly looked upon the Bill of his hon. and learned Friend as superior to that of the noble Lord, because it provided no exclusion for what were called medical heresies. If such men as Jenner and Harvey had lived under such a Bill as that of the noble Lord, he had no doubt that, owing to the jealousy which unfortunately always distinguished an exclusive profession, they would have been placed beyond the pale. The measure brought forward by his hon. and learned Friend provided that there should be no such exclusion, and this, among other reasons, would determine him to vote in its favour. He also preferred the Bill of the hon. and learned Member for Newcastle, on the ground of the examination which it prescribed, though he hoped the provisions on this subject would be rendered more explicit in Committee.

COLONEL SYKES said, there were parts of both Bills to which he objected. Each of them professed the same desire—namely, that of raising as high as possible the standard of qualification in the medical profession; and each proposed further, that individuals who passed certain examinations should be then entitled to practise throughout the British dominions without further impediment. The object of the Bills, therefore, being the same, the question turned upon the difference in their machinery. In the first place, he would express his entire concurrence in the principle of representation as opposed to that of nomination by the Crown. He thought, however, that the Bill of the hon. and learned Gentleman was objectionable, on account of the four examinations which it proposed. The noble Lord's Bill proposed only one examination, as a passport to an individual to exercise his profession in all parts of the world; whereas the other Bill would greatly multiply examinations. Again, the hon. and learned Member's Bill would increase the expense in fees. Whilst under the noble Lord's Bill the whole expense would not exceed £25 or £30, the expense under the hon. and learned Member's Bill, independently of the cost of registration and other payments, would be £111 18*s*. for the diploma of physician alone. Then, again, the University element was ignored in the Bill of the hon. and learned Member. It appeared to him that such a University as Marischal College should have its diplomas accepted with the utmost confidence throughout the British dominions. By Bill No. 1 the Universities of Glasgow, St. Andrew's, and Aberdeen, were to send one representative to the general Council, and if they could not agree in their choice, it was left to the Crown to select any one of the three names so sent up. Now, this was an indignity offered to the Scotch Universities which he thought quite sufficient to condemn the Bill of the hon. and learned Member, which he should, therefore, feel bound to oppose, while he must also vote against the noble Lord's measure, because it was based on the objectionable principle of nomination to the Council, instead of representation.

CAMBRIDGE BOROUGH ELECTION.

REPORT.

MR. DEASY *reported* from the Select Committee appointed to try and determine the matter of the Petition of Robert Alexander Shafto Adair, complaining of an undue Election and Return for the Borough of Cambridge; That on the meeting of the Committee this day at the hour to which they had adjourned from the previous sitting, the Marquess of Blandford, one of the Members of the said Committee, did not attend, and was not present within one hour after the meeting of the Committee, and that he the Chairman had received a certificate from Edward Headland, Surgeon, verified upon oath before Joseph Prior, Mayor of Woodstock, and stating that the Duke of Marlborough was alarmingly ill, and in a state that made his recovery very improbable:

That the Marquess of Blandford was at the bedside of his father, and it seemed absolutely necessary, on every ground, that he should remain with him; and that a Letter had since been received by the Chairman from the Marquess of Blandford, stating, that his father's death had subsequently taken place.

Certificate delivered in, and read, as follows:—

> "I hereby state that the Duke of Marlborough is alarmingly ill, and in a state that makes his recovery very improbable.
>
> "Lord Blandford is at the bedside of his father, and it seems absolutely necessary on every ground that he should remain with him.
>
> "EDW. HEADLAND,
> Surgeon."
>
> "Blenheim, June 30, 1857.
>
> "Deposed and sworn before me, JOSEPH PRIOR,
> Mayor of Woodstock."

Ordered, That the Marquess of Blandford be excused for not attending, and be discharged from further attendance on the said Committee.

Mr. DEASEY further *reported* from the said Committee, That they had adjourned till this day, at half after One of the clock.

Ordered. That the Report do lie upon the Table.

MR. GROGAN asked if it were competent for the Committee now to proceed with the investigation of the case before them?

MR. SPEAKER: It is distinctly provided by Act of Parliament that they may do so.

MEDICAL PROFESSION (No. 1) BILL.

DEBATE RESUMED.

COLONEL FRENCH said, that the noble Lord (Lord Elcho) was bound to rise and give his reasons why the House ought to refuse to read the Bill a second time, in order to enable him to bring the measure which he thought necessary before the House. Now, so far as he (Colonel French) could gather, there was every reason to believe that the object the noble Lord had in view might be effected in Committee; and certainly no ground whatever had been laid by the hon. and learned Member for Ayrshire (Mr. Craufurd) for postponing the Bill of the hon. and learned Member for Newcastle. The noble Lord's name appeared on the notice paper as the mover of an Amendment against the Bill, but he had chosen to delegate this duty to another. It might be that he wished to have the last word; but it was only due to the House, after the notice he had given, that the noble Lord should put himself into the front rank. He, therefore, begged to call upon the noble Lord, to rise and state his reasons for asking the House to reject that measure.

Mr. W. EWART said, that he did not see that the noble Lord was obliged to comply with the appeal which had been made to him by the hon. and gallant Member for Roscommon—[Lord Elcho: Hear!] With reference to the general principle of the two Bills, he (Mr. Ewart) would grant that there was something fascinating in the principle of representation contained in the Bill of the hon. and learned Member for Newcastle, but when he looked at the workable character of the two Bills, he must confess that he was inclined to give the preference to that of his noble Friend (Lord Elcho), which was certainly the more workable of the two. True, there might be an objection to the council being nominated by the Crown; but then it should be remembered that the Crown would be responsible; that there would be a person sitting in this House as the representative, more or less, of the medical body, and that he would be responsible to the House. It had been objected by the noble Lord the Member for Norwich (Viscount Bury) that the medical council would assume a political character; but he (Mr. Ewart) did not see that that would necessarily be the case more than with any other public department, the constituent Members of which were nominated by the Ministers of the Crown. For instance, there were constituent parts of the Board of Trade, the Board of Customs, the Board of Inland Revenue, and other boards, which were made responsible to Parliament; but they did not change their places with a change in the political character of the Government or of Parliament. Those persons continued to hold their offices notwithstanding such changes, so long as they gave satisfaction in the performance of their duties. He saw no objection to this principle, then, provided the Board so nominated was a national Board, responsible to Parliament, and both of these he believed it would be under the Bill of his noble Friend. On the whole, he certainly preferred the Bill of his noble Friend, which was more rational in its character, which respected but did not obey the medical corporations, and which, he believed, was more consonant with the wishes and interests of the medical practitioners generally. Much, therefore, as he admired the representative theory contained in the Bill of the hon. and learned Member for Newcastle; yet, seeing that the Bill of his noble Friend contained the principle of representation, so far as to make the council responsible to Parliament, and that it was a more operative Bill, and more likely to be practicable than that of the hon. and learned Member, he should certainly give his support to the Bill of his noble Friend.

Mr. HATCHELL said, the objection made out of doors to the first Bill seemed to be based chiefly on the ground that it had emanated from the medical profession itself; but that appeared to him to be a strong argument in its favour; for if there were one profession or calling in the community concerning which it was almost impossible for non-professional persons to be judges of the manner in which that profession ought to be conducted or controlled, it was this very profession of medicine. He supported this Bill because it contained the principle of representation; for he believed that it would be found impossible to form any governing bodies for the medical corporations and societies of the country, so as to enable them to act to the satisfaction of the profession without having recourse to the principle of representation. That was not his opinion only: it was the opinion of all the most competent persons who had considered the subject. He was himself unconnected with the medical profession; but he believed it was the opinion of all writers on the subject of medical reform, that three provisions should be introduced into any measure that should be propounded; firstly, that all persons who intended to practise medicine should undergo a preliminary examination in science and art; secondly, that they should pass a strictly professional examination; and, lastly, that there should be some system of registration, whereby it could be known who had, and who had not qualified themselves to practise. The Bill of the hon. Member for Newcastle contained these provisions, therefore he would support it. It was objected that the distinction between surgeons and physicians was invidious, and ought to be abolished, but he could not conceive any distinction less invidious than that which was acquired by greater abilities or superior attainments; and he believed that such distinctions were calculated to secure to the public a higher standard of competency in the profession than there would exist were all to be brought down to one dead level, as was proposed by the Bill of the noble Lord (Lord Elcho). He thought it would be unwise, moreover, to subvert those ancient institutions under which the medical profession had attained a position most creditable to the practitioners themselves and to the country.

MR. BLACK said, he was placed in an awkward position, for whichever of the Bills he might support, he should offend a portion of his constituents. He believed, however, that the best test of a medical man's competency was the opinion of the public, and that, however rigid might be the system of medical examination, men incompetent to practise would succeed in obtaining certificates of competency from the examiners. He admitted that before a man was allowed to practise as a surgeon or physician he ought to be examined as to his skill by competent persons; but why should he, after having obtained a certificate of his competency, be called upon to enter into a corporation, to submit himself to its regulations, and to pay certain fees? There ought not to be any class distinctions in the medical profession. Those who had attained the highest eminence in this country as consulting physicians, probably started in their public career by attending to infantile diseases. From mere surgeons they rose by their perseverance, and the increased confidence of the public in their ability, to the position of distinguished physicians. For his own part he should have preferred a more liberal measure than either of those before the House, but he would suggest that whatever was beneficial in Bill No. 1, should be engrafted on the No. 3 Bill, which he regarded as a better "stock." That part of the Bill of the hon. and learned Member for Newcastle-on-Tyne which provided that there should be a council of representation was unanimously opposed by a deputation of Scotch medical practitioners; and so strong was the feeling of the medical profession against that provision that the Secretary of State for the Home Department assured the deputations that waited upon him that, although the Government, generally speaking, were in favour of the Bill, they would oppose that part of it. He (Mr. Black) objected to the Bill, because it gave such immense power to the corporations of the profession, and placed such restrictions upon its practice. One of its clauses provided that in the case of a practitioner removing from one part of the kingdom to another, he should not be allowed to practise in the place to which he had removed until the expiration of two years, so that he must remain perfectly idle for those two years. He (Mr. Black) had no desire to injure the ancient medical institutions, they had been of great service to the community; but he thought it should be optional with physicians or surgeons to enter them, and not compulsory. The majority of the profession would, no doubt, have the ambition to seek admission into them. No person was compelled to enrol himself a member of the Geographical or the Geological Society, and entrance into the medical corporations should be equally voluntary. It was not on the privileges which they might confer, but on his skill and good conduct that a practitioner ought to rely for his success.

MR. GROGAN said, that what the hon. Member who had just spoken wanted, was evidently free trade in medicine; but he contended, in opposition to that doctrine, that it was imperative upon the legislature to take care that the health and safety of the people were not entrusted to incompetent hands. It was a singular peculiarity of this debate, that Bill No. 3 was supported by all the hon. Gentlemen who came from the North of the Tweed, and Bill No. 1 by those who came from the southern part of the island. It was, however, universally agreed that it was desirable to improve the education of medical men, and that, for this purpose, mere voluntary study was not enough. It was a matter which must be put under regulations and restrictions, if they would have a well-educated body of medical men, and at this both Bills aimed, but they went about the accomplishment of the object in different ways. Under one Bill the Council was to consist of thirteen members, who were to be all selected by Government. Under the other, they were to be chosen by the different Colleges or Corporations. But, was it necessary, he would ask, that a science which had attained the highest rank should be placed under the control of a Council to be appointed by the Government? He (Mr. Grogan) preferring the representative system to the system of a nominated Council, preferred, therefore, Bill No. 1 to Bill No. 3, and though he did not, by any means, consider that measure as perfect, he believed that all Amendments could be better engrafted on it. But there were other points to be considered. Almost all the medical societies, the colleges, the schools of medicine, the universities, were all but unanimous in favour of Bill No. 1, with the exception of the universities north of the Tweed. Was the House prepared to run counter to the opinions of those medical men of the highest rank, and the greatest experience in this country, or in the world, as to the mode of teaching medical men in future? Dr. Hamilton Rowe, who recently pronounced the Harveian oration at the College of Physicians, declared that, if the Bill before Parliament (No. 3) passed into law, it would be subversive of the high tone of the profession, and cause the extinction of the college. It was impossible to avoid the worst results, if free trade in medicine were adopted. There was also another opinion to the same effect from an M.D. of Edinburgh. A paper had been laid before the House respecting the valuable museum of anatomical preparations maintained at such cost, and attended with such care, by the College of Surgeons; what was to become of that important museum if the funds of the college were placed under the control of the rival body proposed by the Bill of the noble Lord? Could it be expected, for a moment, that the same care, or attention, or cost would be expended on its maintenance? He (Mr. Grogan) thought, however, that other parts of both Bills were valuable—registration, for instance; and he candidly admitted that many points of No. 1 Bill might be changed with advantage; but he looked upon that Bill as a better stock on which to engraft such alterations as were necessary, and he should, therefore, support it in preference to the Bill of the noble Lord.

Mr. NEATE said, he rose to warn the House against the growing custom of undervaluing those ancient institutions which had done good service to the State, and of turning them to purposes for which they were never intended. Free trade and unrestricted competition were very good in, but very bad out, of their place. Free trade was a very good servant, but a very bad master. It was to monopoly that much of our progress in arts and sciences was due. That remark applied to the medical more than to any other learned profession. Did the House wish to see free trade, extended to the legal profession or to the Church? The noble Lord (Lord Elcho) asked them to enter upon a new course entirely at variance with that which had been pursued for many generations, and which had raised the medical and other learned professions to a degree of eminence, dignity, and usefulness, which they had not attained in any other country. He was speaking, however, as if the Bill of his hon. and learned Friend would sanction a monopoly; but it would do nothing of the kind. It would admit everybody without distinction to qualify himself for the medical profession, but it would also require, as it ought to do, that those who had been long connected with that profession should ascertain whether he had, in fact, so qualified himself before he was permitted to practise. The College of Physicians was, no doubt, for a time actuated by a spirit of selfishness and exclusiveness, but it had renounced that spirit, and was determined to meet, as far as possible, the requirements of the present state of society. The House of late had heard a great deal about the extension of Scotch writs and judgments, but he, for one, was not disposed to give increased currency to Scotch prescriptions with regard to the scientific societies of this country. It was for the interest of the State at large to maintain, in some shape or other, professional aristocracies, for if they were destroyed, the only other aristocracy which remained—that of wealth and position—would be placed in a more isolated and insecure position than before; and, therefore, from considerations of general and political expediency, as well as in respect to the health of the community, he should support the Bill of the hon. and learned Gentleman.

Mr. VANCE said, he should support the Bill of the hon. and learned Member for Newcastle, on the ground that it was a measure for the reform of the medical profession, while the Bill of the noble Lord was one of entire reconstruction, and in some cases of entire destruction, of existing rights and privileges. He thought that the different degrees of the profession recognized by the Bill were of great importance. No doubt it might do very well in a remote colony to do without professional distinctions, but in this country it would be a practice attended with the greatest possible inconvenience. It had been urged as a grievance that parties could not change their medical qualification for two years; but he (Mr. Vance) did not look upon that as a hardship, as the parties could give notice, and satisfy the heads of the profession that they were entitled to change. The hon. and learned Member for Ayr (Mr. Craufurd) said, that the institutions appointed to make examinations were obsolete, and behind the spirit of the age; but when it came to be considered that these bodies consisted of the Colleges of Physicians and Surgeons, and of the Universities, he could not allow the censure of the hon. and learned Member to pass without comment. With respect to the Bill of the hon. and learned Member for Newcastle (No. 1), he considered that there were many points omitted; for instance, he considered that the Apothecaries Company of Ireland were not fairly treated in it; they did not wish to interfere in matters not pertaining to them, but he held that they were as well entitled as their brethren in England to form part of the examining body, with regard to pharmacy, poisonous ingredients, and matters of that kind. The Bill of the noble Lord violated existing rights, and took away pecuniary privileges which had been granted by Royal charter, while it did not provide for a preliminary education in medical science. The Bill of the hon. and learned Member did not do this, and he (Mr. Vance) thought, therefore, that the House should support it, as in so doing they would follow the principle enunciated by a great statesman, namely, to reform existing institutions, and change them in accordance with the wants of the age, but not to destroy them.

Mr. T. DUNCOMBE said, the hon. Member for Oxford spoke of the House consulting the dignity of the medical profession by passing Bill No. 1. He (Mr. Duncombe) was not prepared to define what the dignity of the profession meant. He thought they were sent there for the welfare of the people, and not to promote any dignity; but at all events he could not fancy the dignity of the profession more insulted on any occasion than by the paper before the House, which contained no fewer than five medical Bills, or Bills relating to the medical and surgical profession. First, they had the Medical Profession Bill, No. 1, and Medical Profession Bill, No. 3. What had become of No. 2 he did not know, but he supposed it had taken the wrong medicine. Then there was the Vaccination Bill, for which he was responsible, and which was a Bill to repeal the Vaccination Act, smuggled through Parliament, and to take the parliamentary lancet out of the national arm. Then there was the Medical and Surgical Sciences Bill. There was only wanting the Poisons Bill, which was blundering through the other House, to wind up with the second reading of the Burials Bill, which also stood on the paper. In all these Bills, however, there was no provision made for the interest of the public. This country had already got a State religion and a State education; and it was now about to get State physic. He (Mr. T. Duncombe) objected to Bill No. 1 and to Bill No. 3; but he should vote for Bill No. 3 as against Bill No. 1, and then when Bill No. 3 came to a division he should vote against that also, to return the compliment. These medical reform bills were not what the country required. The people of this country wanted a Bill which should place all medical practitioners on an equal footing, after having undergone the same examination. That, however, would be impossible under the Bill of the hon. and learned Gentleman. The medical reform required was to do away with exclusive privileges of all kinds in the practice of medicine. The country had no confidence in chartered societies, as regarded real medical science, and he thought that a worse quackery even than medical quackery was legislative quackery. The Colleges of Physicians and Surgeons in London and Dublin had exclusive privileges no doubt, but they were not at all adapted to the present day. In short, they wanted a medical reform bill with something like a schedule A with Gattons and Old Sarums in the medical world. Look back to former days, and see the injury these colleges had done to the public in attempting to impede the march of medical science. The individual who first invented tourniquets to supersede hot pitch upon amputated limbs was persecuted;

while the individual who applied cantharides as a cure for dropsy—a German doctor in this country—was incarcerated in Newgate at the instance of the head of the College of Physicians. Could any confidence, then, be justly placed in the action of these bodies for the interest of the public? It was Sir A. Carlisle who said of medicine that it was an art founded on conjecture and improved by murder; and instead of appointing a council composed of the chartered bodies he would say, "Leave the Colleges of Physicians and of Surgeons, the one to prescribe for and the other to operate upon the public, and let the Apothecaries' Company drench them both." He (Mr. Duncombe) advised the House to reject the Bill on these grounds. He also advised the House to reject it because of the registration which it proposed. He wondered, for his own part, how the medical men of the United Kingdom could desire to be reduced to the condition of cabmen, and wear a badge round their necks. If, however, they wished to be badged and numbered, then, in Heaven's name, he would say, let them be so; but as he considered that the public interest was not only not promoted, but was, on the contrary, injured by the kind of legislation proposed in these Bills, he should oppose the second reading of the Bill under discussion.

Mr. BLAKE said, that he, as an Irish Member, should give his most strenuous opposition to Bill No. 1, and if the second Bill came to a division, he would vote with the Scotch Members in preference, because it would not destroy a numerous and valuable class of men, the apothecaries of Ireland, who were the poor man's doctors, as the Bill of the hon. and learned Member for Newcastle in effect proposed to do. He (Mr. Blake) was for placing the Irish apothecary on the same footing as the English apothecary in every respect.

Mr. BRISCOE said, he should support the second reading of Bill No. 1 on account of the composition of the council. Under this measure the council would consist of seventeen representative members and of six nominated by the Crown. As six were to be nominated members there would be no difficulty in having one of them a Member of that House, while the seventeen representative members would ensure the confidence of the profession and of the public. So far from agreeing, therefore, with his hon. Friend the Member for Finsbury (Mr. T. Duncombe), he believed that in voting for the second reading of this Bill, he was honestly and conscientiously consulting the best interests of the public. As regards the fees paid to the College of Physicians for a fellowship, which amounted to £55, it was found that £25 went to the Government for the stamp, while £10 was applied to the support of the library. The remainder alone went to defray the expenses of the College.

Lord ELCHO said, that the hon. and gallant Member for Roscommon (Colonel French) had described the course which he (Lord Elcho) had pursued in this matter as an extraordinary one. Feeling that to a certain extent it was so, and admitting the justice of that remark, he must ask the kind indulgence of the House while he endeavoured to show that it was by a sense of public duty alone that he had been actuated in the course which he had taken. It was the more necessary that he should do so, because his motives had been subjected to misconstruction both by the profession and by the public out of doors, and it had been stated freely that his only object was either to obstruct medical reform or to rival his hon. and learned Friend the Member for Newcastle (Mr. Headlam) as a medical reformer. Now, with respect to obstructing medical reform, he assured the House that he was much too sensible of the necessity of some measure of reform with reference to the medical profession to throw any impediment in the way of it. The anomalies at present were so great and so injurious that he had long felt it to be desirable that some measure of reform should be carried into operation. He would just mention to the House three of the anomalies of the present system. In the City of Edinburgh there was a distinguished professional man, Professor Simpson, who was, perhaps, as eminent a man in his branch of the profession as any one in the kingdom. He was physician to Her Majesty in Scotland; but, under the present state of the law, if he were to be called to London in consultation with any of Her Majesty's physicians on the subject of Her Majesty's health, he would be liable to be prosecuted for practising within seven miles of London. Such of the population as resided within seven miles of the metropolis were the property of the Royal College of Physicians of London; that was their hunting ground; and if any medical man from Dublin or Edinburgh came to attend a gentleman in London with whose constitution he was acquainted, he would be liable to be prosecuted. Again, the degree of the London University was deservedly considered one of the highest medical diplomas in the world; and a London University graduate might practise in any part of Great Britain except within seven miles of the very place where was situated the University from which he obtained his degree. The third anomaly was that the Archbishop of Canterbury possessed the power of granting medical degrees without examination. The hon. Member for Finsbury (Mr. T. Duncombe) had quoted the analogy of the hackney cabmen with respect to registration. He (Lord Elcho) would follow up the figure, and he said that the present state of the law with regard to the medical profession was as absurd as if the cabmen in Palace Yard, with certain badges round their necks, could only convey hon. Gentlemen to Belgrave Square, and that those who asked to go to Hanover Square must procure a cab from some other quarter. So far from wishing to rival his hon. and learned Friend as a medical reformer, it would be sufficient to state that when his hon. and learned Friend gave notice of his Bill, he (Lord Elcho) asked him if it were the same as that which had been amended by the Select Committee on which they had both sat last Session, stating that, if it were so, any sort of assistance which he could give him was at his service; and it was only upon finding that his hon. and learned Friend's Bill was not the amended Bill of the Committee, but the very same Bill, with the exception of some alteration in the constitution of the council, which his hon. and learned Friend had brought in at the commencement of 1856, that he determined to oppose it. He did not pretend to be a more practical man than others, but he ventured to think that if they wished to pass a good measure of medical reform, the practical course would be to take up the Bill in the amended state in which it had been left by the Committee at the end of 1856, and not to take it up as it had been introduced at the beginning of 1856. He (Lord Elcho) stood by the Bill of the Committee, and he asked the House to reject the Bill of his hon. and learned Friend, with the view of substituting in its place the Bill of the Select Committee; because, whatever the fate of the Committee's Bill might be, he ventured to predict that the Bill of his hon. and learned Friend could not pass into a law. No less than three pages of the Parliamentary notice paper last year were filled with notices of Amendments upon the Bill of his hon. and learned Friend as originally introduced. Altogether there were fifty-one Amendments on the paper, and inasmuch as every principle of that Bill, which was objected to at that time, was to be found, if possible in a more aggravated form, in the present Bill, he left the House to judge what chance it would ever have of passing into a law. He wished to discuss this question upon some broad and intelligible principle, because it appeared to him that such was the rule which they ought to lay down for themselves upon the second reading of a measure, in preference to dealing too much with matters of detail. But first let him read to the House the names of the hon. Members who composed the Select Committee of last Session. The Members were Mr. Cowper (in the chair), Mr. Headlam, Mr. Brady, Mr. Craufurd, Sir W. Heathcote, Mr. Napier, Lord R. Grosvenor, Mr. Black, Colonel Dunne, Mr. Bell, Mr. Strutt (the present Lord Belper), Mr. A. Hastie, Mr. Percy, Mr. Howard, and Lord Elcho. He considered that Committee to have been fairly constituted. Upon it were the three hon. Members whose names were on the back of the Bill of his hon. and learned Friend, and altogether he believed that there was no improper element in it. He had never sat upon a more unanimous Committee. Indeed, so unanimous had they been "upstairs," that he had ventured to express a hope that their proceedings in the House upon the subject of medical reform would be characterized by equal unanimity; and, with the exception of Colonel Dunne, who was no longer a Member of the House, they all agreed to support one another upon the question, sinking all minor differences in the hope of getting the Bill through. To return now to the question of principle. The principle of the Bill of his hon. and learned Friend was that of giving a monopoly on the subject of medical education to the medical corporations. Upon that ground he (Lord Elcho) was opposed to the Bill now; upon that ground he had been opposed to it last year; and upon that ground he should continue to be opposed to it so long as it contained the principle in question. At the present moment there were twenty-one licensing bodies in the United Kingdom. Of those, eleven were universities, and nine were corporations, the twenty-first being the Archbishop of Canterbury. His hon. and learned Friend in his Bill gave the whole licensing power to the corporations, and to the corporations alone. It was true that in the council he gave a certain amount of power to the Universities, but even in the council the proportion given to the Universities was not fair in comparison with the number given to the corporations. By the Bill of his hon. and learned Friend also every member of an University was compelled, before he could be recognized, to be examined by one of those corporations. Moreover, he was compelled to join one of those corporations, and there was an extraordinary clause in the Bill which obliged every gentleman who had passed the necessary examination to reside two years in one country before he could be registered in another. The only reason for that, so far as he had been able to ascertain it, was this. There had always existed a certain degree of jealousy of Scotchmen and Scotch doctors, and even the cheers of that House when expressions of a depreciatory character with respect to Scotchmen were made use of, evidenced that the feeling still existed. It had been shown by Smollet in *Roderick Random*, for Roderick Random when he went up for examination before the College of Surgeons in London was asked where he came from. "From Scotland," was the reply. "Of course—none but Scotchmen come here—you Scotchmen overspread us as the locusts did Egypt." Scotchmen, however, in this respect followed a natural law, for he (Lord Elcho) well remembered that the late Dr. Buckland in his lectures at Oxford related as a curious fact that the footprints of the palæontological tortoise invariably tended southwards, and that there was no instance of their footprints tending northwards—a remarkable illustration of the tendency of Scotchmen to go south and never to return! Scotch doctors, however, went through as strict an examination and stood as high in the world of science as gentlemen who had received diplomas from English Colleges. To justify the principle of his hon. and learned Friend, that the whole power should be given to the corporations and taken from the Universities, his hon. and learned Friend should show, as the hon. Member for Oxford (Mr. Neate) had endeavoured to do, that monopoly would work well for the public. The hon. Member for Oxford stated that he did not see why the medical profession should not regulate itself in the same way as the clerical and legal professions did. He (Lord Elcho) was not aware that the medical profession held the doctrine of apostolical succession from Galen and Hippocrates, unless, perhaps, those members did so who had received their degree from the Archbishop of Canterbury; and as regarded the legal analogy, he made bold to say, even in the presence of so many luminaries of the law, that the opinion had long prevailed, among laymen at all events, that distinguished as that profession was, still it might have been improved if admission to its ranks had been obtained, not by the payment of fees only, and by the aptitude of the stomach to digest a certain number of dinners, but by some system of practical examination upon the practice and theory of the law in its different branches. The right hon. Gentleman the Member for Dublin University (Mr. Napier), was so sensible of the objection to the manner in which the legal societies admitted members to the legal profession, in consequence of having eaten so many dinners in hall, that he moved for the appointment of a Royal Commission on the subject. They had not to do with theory, but with what has been, and is, the practice. They found the practice of licensing universally exercised by the Universities. It existed in the case of the Oxford and Cambridge Universities, and it practically existed in the case of the Scotch and Dublin Universities, and in the case of the Queen's Colleges. This right on the part of the former Universities dated from ancient times, and they had a recent instance of the recognition of that right in a Bill which in 1854 passed through that House, for the purpose of extending to London graduates in the unfortunate position he had referred to the same rights and privileges which were extended to those of the Universities of Oxford and Cambridge. It was an extraordinary fact, too, that among the warmest supporters of that Bill sanctioning the principle that University degrees should give a licence for practice was the hon. and learned Member for Newcastle himself, who supported an Amendment to the effect that the University of Durham should be put on the same footing. Therefore, he repeated that, as regards this country, the principle was founded on old charters, and was sanctioned so recently as 1854 that Universities might grant licences for practice. What was the state of things on the Continent? In France the sole licensing power was the University of Paris; in Germany it was not the profession, but a Government Board which licensed; and in Italy the same rule held good. The right of the Scotch Universities to grant medical degrees originated in bulls of the Popes, subsequently confirmed by Statute, in which it was stated that the same rights, privileges, and immunities were conceded as were held by the Universities of Paris and Bologna. If, then, this had been the practice both at home and abroad, he thought some strong ground should be shown why, when it was attempted to remedy the defects of the medical profession in these liberal and anti-monopoly days, a monopoly should not only be perpetuated, but that the holders of that monopoly should have privileges given them which they had not heretofore possessed. Had this practice worked badly, and were the University medical degrees so inferior to those given by the medical corporations? On this point he would read a letter sent by Dr. Reid, the Examiner of the University of St. Andrew's, to the Committee which sat in 1847. Mr. Lawrence, a distinguished member of the College of Surgeons, had stated that the St. Andrew's degrees were valueless, and that he would not trust the smallest union to the charge of a medical officer who only held a St. Andrew's degree. Dr. Reid thereupon wrote to the Committee a letter in which he stated, speaking of St. Andrew's medical degrees—

> "No degree is granted without a regular and stringent examination, in accordance with regulations in force since 1826. In 1840 there were thirty candidates, of whom six were rejected; of the six rejected one possessed no diploma, four were members of the Royal College of Surgeons of London, and one was a licentiate of the Royal College of Surgeons of Edinburgh. In three years previous to 1845 there were seventy-one candidates, of whom twelve were rejected; of the twelve rejected, six, or one-half were members of the Royal College of Surgeons of London; some of them also held the diploma of the Apothecaries' Company. In 1846, out of five licentiates of the Royal College of Surgeons of Edinburgh who presented themselves, three were remitted to their studies. In 1847 there were forty-nine candidates, of whom eleven were rejected; of the rejected, seven were members of the Royal College of Surgeons of London, one licentiate of the Royal College of Surgeons of Edinburgh, one licentiate of the Dublin Apothecaries' Company; some of them likewise were licentiates of the London Apothecaries' Company."

The fact was that no practical examination in surgery was required at the College of Surgeons, although cases of hernia, fractures, and cases of that kind which required experience, were the class of cases which generally came before surgeons. What, he asked, were these medical corporations? They were merely mediæval guilds, like those of the grocers, shoemakers, and other municipal institutions dating from the same time; but the existence of old charters giving the Universities the right of licensing showed clearly that they possessed the right long before these medical corporations. At that time all learning, whether legal or medical, was centred in the Universities, the Members being ecclesiastics. In 1163 a law was passed which forbade the shedding of blood by ecclesiastics, and in consequence of that law the ecclesiastics selected the barbers, who shaved their heads to bleed for them, and that was the origin of the Barber-Surgeons' Corporation. Hon. Gentlemen in their walks, not at the west end but in out-of-the-way parts of London, had perhaps seen over a barber's shop a pole painted in various colours, but might not be aware what it was intended to represent. The pole represented the wand formerly held by a patient when undergoing the operation of bleeding, and the stripes round the pole represented the ribands by which the patient's arm was bound up. The connection between the barbers and the surgeons was particularly exemplified by the shield of the Edinburgh Royal College of Surgeons, which up to last year bore on it the emblems of shaving—razors, and so forth. On turning to *The Encyclopædia* he found that in the time of Henry VIII. the physicians, and also the barber-surgeons of London, were incorporated, and those two bodies overstepped their jurisdiction by prosecuting those who did not belong to either, so that it became necessary to pass an Act in 1543 for the protection of the irregular practitioners. In 1606, James I. incorporated the apothecaries, uniting with them the grocers, and they also began to prosecute as soon as they had obtained their privileges. He had now shown the House the origin of these medical corporations, and their true character was to be found in the Act of Henry VIII., which enacted—

> "Whereas it was enacted that no person within the city of London, nor within seven miles of the same, should take upon him to exercise and occupy as a physician or surgeon, except he be first examined, approved, and admitted by the Bishop of London and others; sithence the making of which said Act the Company and Fellowship of Surgeons of London, minding only their own lucres and nothing the profit or ease of the diseased or patient, have sued, troubled, and vexed divers honest persons (as well men as women) whom God hath endued with the knowledge of the nature, kind, and operation of certain herbs, roots, and waters, and yet the same persons have not taken anything for their pains or cunning, but have ministered the same for God's sake and charity; and it is now well known that surgeons admitted will do no cure to any person but where

> they shall know to be rewarded with a greater sum than the cure extendeth unto, for, in case they would minister their cunning to sore people unrewarded, there should not so many rot and perish to death as daily do for lack of surgeons."

The same character was to be found in the preamble of the hon. and learned Gentleman's Bill. Now, he asked hon. Members whether, in 1857, they found old corporations, such as the city of London for instance, managing the affairs with which they were intrusted so well that they would grant to those medical corporations, the relics of ancient guilds, powers which they had not heretofore possessed? It was asked, not that they should have a fair share of power—to which he should not object—but that they should have a complete monopoly. It was on these grounds that he asked the House to reject the Bill of his hon. and learned Friend. As it might be for the convenience of the House to have but one discussion on both the medical Bills standing on the Orders of the Day, he should now say something in support of that Bill which he asked the House to substitute for the Bill of the hon. and learned Gentleman. The reasons which induced him to bring that Bill forward he had already stated to the House. Both Bills had the same object, that of medical reform.

MR. T. DUNCOMBE rose to order. He thought it irregular to discuss during the consideration of one Bill the merits of another standing in the business of the day.

MR. SPEAKER said, that as in the course of the discussion that day there had been a constant reference to both of the Bills, it was rather too late now to interpose to prevent the noble Lord entering upon the statement he was about to make.

LORD ELCHO said that, fortified by the decision of the Speaker, and also by the example of the hon. Member for Finsbury, who had himself referred to both Bills, he should proceed to point out to which Bill the preference ought to be given; and he here would observe that he felt the full force of what had fallen from the hon. Member for Finsbury, to the effect that they should be as liberal as possible, and not restrain the profession by needless restrictions. Both Bills had the same object in view—namely, the establishment of an efficient registration of practitioners, but the Bill of the Committee of 1856, which he proposed should be adopted, proceeded to effect its object in a totally different way from the Bill of the hon. and learned Gentleman. The main objection raised against the Bill of the Committee by those who were opposed to it rested on the constitution of the council. They urged that the council ought to be representative, and not nominated by the Crown. He did not, however, consider that provision in the Bill to form the principle of the measure, the important question being whether the House would give a monopoly to the existing corporations or not. That was the principle involved in the Bill, and the constitution of the council was a matter for consideration in Committee. This form of council was adopted by the Committee of 1856, not to give irresponsible power to the Crown, but because they considered it offered the best guarantee for the constitution of a good council. It was thought that if the council were nominated by the corporations the members would go to it as mere delegates of those corporations, while a good council would be nominated by the Crown. Nevertheless, as objections were still raised to the nomination of the council by the Crown, the Committee of 1856 made, as a check on any irresponsible exercise of power, a responsible Minister in that House the head of the council. At that time the President of the Board of Health, who was now in a moribund state, was in full vigour, and that officer was accordingly taken as the natural head of the medical council, which would to a certain extent act as a Board of Health. Now that that office was nearly abolished the Home Secretary or some other public official in that House might be substituted. However, this point, as he had said before, was matter for consideration in Committee, but the question whether a monopoly should be given to the medical corporations was not matter for consideration in Committee. No doubt the Bill of his hon. and learned Friend had been taken by the Select Committee for a basis, but it was so altered, root and branch, that scarcely any part of the original was left. It was therefore impossible so to alter it as to make it resemble the Bill adopted by the Committee. The Bill of the Committee proceeded on the principle of forming a new examining board, to be composed of an equal number of members of the existing corporations and universities. Every candidate, after having passed an examination as to general learning, would have to appear before this board, and, after passing examination, would receive a certificate entitling him to practise as a licentiate in medicine or surgery. It would afterwards be open to him to qualify himself for the higher branches of the profession. There would, however, be no invidious distinction between the surgeon and the physician, and there would be no restriction limiting his practice to one part of the kingdom. Nor was there any clause in his Bill which required that university graduates should be examined. His Bill looked to the public interests, and the public interests alone. It therefore provided that the fees should be paid into a common fund, which was to be distributed in payment of examiners and in aid of museums. A great deal had been said about preserving old institutions and collections, such as the Museum of the College of Surgeons and the Hunterian Museum. Well, his Bill left the council the power of distributing the fees amongst these institutions as they thought right and proper. This system, however, did not suit the corporations. They are remnants of the old guilds, and "guild" is derived from an old Saxon word, "guildan," to pay; and from their fees the College of Surgeons derive an income of £12,000 a year. His Bill did not touch those fees. Any person who obtained the degree of licentiate might go to the College of Surgeons for a diploma, and they could charge such fees as they considered right. He had stated generally the difference between the two Bills, but he did not wish the House to take the character of the Bill he advocated from any description of his, for it might be said that he was a Scotch jobber. Let the House take the testimony, not of any interested party, but of the medical corporations themselves. He held in his hand a petition from the Dublin Corporation of Apothecaries, and it stated that the amended Bill of last Session "is characterized by an equitable adjustment of the vested rights of all parties, and at the same time contains adequate security for a suitable education, preliminary and professional;" and the petitioners prayed that the amended Bill might be passed into law. That was the opinion of one corporation in Ireland, and he would now also state what was the opinion of the Edinburgh College of Physicians—itself a medical corporation. When the Bill came out of Committee last year that body drew up a paper, in which they stated:—

> "The amended Medical Bill has appeared to the College of Physicians worthy of support, and they earnestly trust that it will be passed in the present Session of Parliament, because it will put an end to the constant agitation which has prevailed in the profession on the subject of medical reform for many years past. It will secure in the fullest possible manner that equality of privilege which has long been contended for; it will secure a good *minimum* standard of education; it will not interfere with the higher grades of the profession, but will leave colleges and universities unfettered in elevating the standard of qualification for those honours which they are entitled to bestow; it will, for the first time, render imperative a proper preliminary examination; it will save those practitioners whose position merely requires the lowest qualification the necessity of passing more than one examination, by combining the representatives of several into one efficient examining board; it will provide an authorized register, which will at once show who are legally qualified practitioners, and what are the qualifications which they possess; it will provide for such of the museums and other adjuncts of the existing incorporations as are of real public benefit, without rendering them dependent, as heretofore, on the fees of those whom that particular body may pass; it will for the first time introduce some sort of government in place of the present anomalous state of the profession by means of a council, which, if judiciously chosen, may succeed in harmonizing the various conflicting medical incorporations and universities which have never yet been nor are ever likely to be, able to adjust their several claims for regulating the profession. While, in our opinion, it will inflict no real injury on the incorporations, it will give great satisfaction to that large section of the profession who are unconnected with these bodies."

Now, let him adduce the opinion of the British Medical Association as given last year in reference to the amended Bill. There was first a meeting of the Committee, from which Resolutions were submitted to the whole Association, and passed. Those Resolutions were to the effect that the provisions of the amended Bill carried out the principles which the Association had always contended for, and the Association stated that they were desirous of seeing the Bill at once passed into a law. It was Madame de Staël, he thought, who said that the opinion of foreigners was the same as the judgment of posterity, because it was removed from prejudice; and he might here observe that he had received a letter from a medical man in Jersey stating that the profession there were most anxious that his Bill should be extended to the Channel Islands. He should not trouble the House with any more arguments in favour of the Bill, but would proceed to meet some of the objections urged against it, and first, as to those urged against the constitution of the council. He repeated that he did not hold that part of the Bill to constitute the principle of the measure, but he wished to show that other persons beside the Committee of 1856 considered the constitution of the council not objectionable. A gentleman, whose name could never be mentioned without honour, had drawn up a most able analysis of the two Bills. Mr. Warburton, the Gentleman he referred to, said on the part of the senate of the University of London, that that body greatly preferred the constitution of Lord Elcho's council with its Committees, to the Constitution of Mr. Headlam's general council and branch councils. Even the corporations themselves expressed similar views, for the Royal College of Physicians of Edinburgh last year suggested—

> "Whether there is not a danger that delegates sent directly by the corporations, or by any public bodies, would not be likely to lean too much to the interest of those bodies, and therefore the less to those of the public and the profession in general?"

and therefore proposed—

> "That the number of the council should not exceed twelve. That the President of the General Board of Health should be the chairman of the medical council."

That was the exact constitution as proposed by the Bill, and yet they found the corporations now coming forward and denouncing the Bill as a strong interference with their rights. Such inconsistency was monstrous. The Royal College of Surgeons was active in its opposition to his Bill in the present year, although last year a petition from that body to the House of Commons stated:—

> "That your petitioners are of opinion that a medical council or central authority of some kind might be instituted with advantage to the public, in order to establish and enforce education and examinations of equal value as a foundation for reciprocity of practice in the three kingdoms. They believe that a council nominated by the Crown, not exceeding five or seven in number, including two non-medical members, might usefully regulate the course of education so as to secure the harmonious co-operation and efficiency of the several schools and licensing bodies. The more immediate connection with the State thus established would create an interest on the part of Government in the affairs of the profession, would insure the personal competency and responsibility of the council, and raise the profession in the estimation of the public."

He trusted, therefore, that the House would hear no more of the injustice and degradation endeavoured to be heaped upon these corporations by means of a council nominated by the Crown. He now came to the next objection, and that was that his Bill merely provided what was called the "one portal system," that in fact there was but one entrance and one examination. But, in reply to this he would ask, for whom were they legislating? For the people of England, and not for the rich merely. The rich had it in their power by means of their guineas to summon to their bedsides in time of illness Sir Benjamin This or That, or any Baronet or Knight who was on the rolls of the register; but the House had to take care that the general practitioners, who were charged with the care of the poor, were not incompetent. In his Bill security was taken that the name of no man not qualified to practise in the opinion of a competent authority should be on the register. When a man was on the register, the Corporations and Universities would then compete together to induce him to go to one or the other. They would grant titular distinctions, and the public would of course form their own opinion as to the comparative value of these particular distinctions. He contended, therefore, that his Bill left competition open, but it was a competition upwards, and not a competition downwards, as provided by the Bill of his hon. and learned Friend. The Edinburgh College of Physicians made the following statement with reference to the proposal to abolish all the existing examining boards and to set up in their places one chosen jointly by the Universities and the Incorporations:—

> "Although some of these bodies have undoubtedly faithfully discharged their duties others have been most remiss, and, from the obvious difficulty of preferring one to another, it seems better to establish one common portal through which the profession must be entered. While men continue to be actuated, as they are at present, by honourable ambition, and while the competition in our profession remains as it is, there is little fear of this engendering a dead level in medical acquirement; all will, indeed, enter by one portal, but most will seek the higher honours which Universities and Colleges will bestow. There has been no want hitherto of a strenuous competition for the mere honorary distinctions in the profession, and this is not likely to be arrested by the Bill."

Mr. Fergusson, the eminent surgeon, expressed the following opinion in a letter to a friend with regard to his (Lord Elcho's) Bill:—

> "In so far as I am myself concerned, I have no objection that my preference to Lord Elcho's Bill should be known. I have for nearly thirty years advocated a main feature in that Bill—the one portal system. There is, in my opinion, no single feature in what is called medical reform of greater importance than this. In other respects there seems a simplicity of arrangement in Lord Elcho's Bill which induces me to look far more favourably upon it than that of Mr. Headlam."

The views entertained on the subject of the one portal system by the Edinburgh

College of Physicians and by Mr. Fergusson were strongly advocated thirty years ago by Dr. Thomson, the celebrated professor of medicine in the University of Edinburgh. Dr. Thomson, in his *Life of Dr. Cullen*, thus expresses his opinion :—

> "If it be desirable, for the interests of society, that there should exist a separate class of medical practitioners, under the title of physicians, the Legislature would surely confer a greater benefit on the public by fixing a course of preliminary and professional education, and providing for the strict examination of those who desire to be licensed to practise in this capacity, and then leaving them at liberty to exercise their profession when they please, than by indulging particular corporations in the exercise of a narrow and exclusive system of monopoly, the only conceivable operation of which is to engender arrogance and presumption, and consequently ignorance and rashness, in the minds of those who are admitted within its pale, and jealousy and rancour in those who are kept without it."

Similar views were maintained by Dr. Carpenter, of the London University, in the *British and Foreign Medical Review*, but which it is not necessary that I should quote. He (Lord Elcho) now came to the charge that he was endeavouring to carry out what was called "a Scotch job." Unfortunately, everything he touched seemed to be converted into a Scotch job. He had been charged with jobbery because he had advocated the 25-inch scale for the Scotch survey, and now, because he was anxious to destroy monopoly and to benefit the public, he was accused of being engaged in a Scotch job. He believed that his proposal would be advantageous to Scotland, but others would be equal gainers, as, for instance, the London University and University College. He must say, however, that he had had little communication with the Scotch Universities with reference to his measure, which he had brought forward simply for public interests. It had been further said that the greatest unanimity prevailed among the medical profession on this subject, and that he (Lord Elcho) was merely throwing down an apple of discord. The existence of that unanimity, however, he begged to deny. By some hocus-pocus the names of two hon. Gentlemen opposite, the hon. Member for the University of Oxford (Sir W. Heathcote), and the right hon. Member for Dublin University (Mr. Napier), who had last year fought the battle of the Universities against the monopolists, appeared this year on the back of the Bill introduced by the hon. and learned Member for Newcastle-on-Tyne. He gave that hon. and learned Gentleman full credit for the diplomatic tact which had led him to get the names of those two hon. Members placed upon the back of his Bill. Last year the names of the hon. Member for Ayr (Mr. Craufurd) and the hon. Member for Leitrim (Mr. Brady) appeared upon the hon. Gentleman's Bill, and, it might naturally have been supposed that when the hon. and learned Member for Newcastle-on-Tyne introduced this Session another measure of medical reform, he would have consulted the hon. Gentlemen who previously backed him, and would again have placed their names upon the Bill. His hon. and learned Friend (Mr. Headlam), however, had not said a word on the subject to one of these hon. Gentlemen, but went over to the enemy, and enticed from their ranks—by what bribe he (Lord Elcho) knew not—the two hon. Gentlemen opposite whose names now appeared upon the back of his Bill. This seemed rather sharp practice, and consequently he (Lord Elcho) asked the hon. Members for Ayr and Leitrim (Mr. Craufurd and Mr. Brady) to allow their names to be placed upon the Bill which he introduced. They unhesitatingly consented, and he obtained leave to bring in the Medical Profession No. 2 Bill. The next day he met the hon. Member for Leitrim (Mr. Brady), who requested him, as a personal favour, to take his name off the Bill, stating that, from peculiar circumstances connected with his position in Ireland, he did not wish to meddle any more with medical reform. He (Lord Elcho) acceded to the hon. Gentleman's request, but the consequence was, that he had to get the order for the Bill discharged, and to obtain leave to introduce the Medical Profession No. 3 Bill, which stood next upon the orders of the day. He wished to say a few words with reference to a document which had been circulated among hon. Members, and which denounced him for disturbing the unanimity of the medical profession on this subject. That paper was written by a member of the College of Physicians of London, and he doubted whether the oldest Member of the House had ever known so extraordinary a production addressed to Members of Parliament. The paper was headed, "Remarks on Mr. Headlam's 'Medical Profession Bill' and Lord Elcho's opposition." The first sentence ran thus :—

> "Surprise not unmixed with indignation is the general feeling of the medical profession of the three kingdoms on finding that Lord Elcho, as the

advocate of the Scotch Universities, should have come forward to oppose the Medical Bill which was read a first time last Wednesday by Mr. Headlam."

The Bill was not his (Lord Elcho's) Bill, nor was it the Bill of the Scotch Universities, but it was the Bill of a Select Committee, whose names afforded a sufficient guarantee that no "job" could be contemplated. He did not know whether the writer of this paper spoke in the name of the College of Physicians, but at all events he holds an official position in their body, and he proceeded to say:—

> "It is scarcely likely that any Select Committee of the House of Commons should be in a position to comprehend the complex bearings of this difficult subject, still less to amend a decision arrived at with so much knowledge and so much care."

There was a compliment to the mental and judicial qualifications of Committees of the House of Commons! The cream of this document was, however, contained in its concluding sentence:—

> "The whole profession, therefore, are determined to regulate the laws by which they are to be governed, and they are decided not to allow any Member of the House, however popular he may be, to come forward, partially instructed, and biassed, as it would seem, by a small and mercenary interest, to interfere with what they believe to be wise, just, and prudent legislation."

Such a declaration emanating from the College of Physicians, expressing their determination not to allow any Member of the House of Commons to interfere with what they in their wisdom conceived to be "wise, just, and prudent legislation," was really so alarming that he felt some hesitation in inviting the House to attempt to deal with this question. If they did so, they might have Dr. Mayo, at the head of the College of Physicians, marching down to the House of Commons and ordering that "bauble" (pointing to the mace upon the table) to be taken away. He (Lord Elcho) thought that since the memorable declaration of the Grand Monarque, "*L'état c'est moi,*" this production of Dr. Alderson had not been surpassed. Whether he spoke in his own name merely or in that of the College of Physicians, he (Lord Elcho) did not know; he must deny, however, that the unanimity which was alleged to prevail among members of the medical profession with respect to this question really existed. The British Medical Association, the Scotch Universities, Cambridge, the Queen's University in Ireland, the University of London, and the Apothecaries Company of Ireland, were dissatisfied with the Bill of the hon. and learned Member for Newcastle-on-Tyne, and he (Lord Elcho) thought, therefore, there was no chance of its becoming law. The hon. and learned Gentleman (Mr. Headlam) would doubtless lay great stress upon the petitions in favour of his measure, but he (Lord Elcho) contended that they ought to have no weight, and he would tell the House why. He found in the *British Medical Journal,* the organ of the British Medical Association, a report of a meeting, at which it was resolved that petitions should be forwarded to Parliament in favour of Mr. Headlam's Bill, and the following recommendation was given on the subject:—

> "It is trusted that each member will write out and sign a petition, and at once forward it to a Member of the House of Commons. The number of petitions is greatly more important than the number of signatures to a single petition; therefore no time should be wasted in endeavouring to obtain numerously signed petitions."

"Numerously signed petitions" meant, of course, numerous petitions, each signed by an individual. He believed he might state that, although among the deputation who waited upon Lord Palmerston on this subject the delegates of the Medical Association of Great Britain were mentioned, the committee of that association had not authorized any member of their body to attend. Among the deputation were also delegates from the College of Surgeons of London, but the next day a letter appeared in *The Times*, signed by a member of the College of Surgeons, who said that the gentlemen who professed to represent the College of Surgeons in the deputation had no more right to speak in the name of the 12,000 surgeons of England than would any three Members of that House be entitled to go to the Government as representatives of the House of Commons. He (Lord Elcho) maintained, then, that the unanimity which was alleged to prevail among the profession did not in reality exist. Indeed, the reason why all former Bills had failed was, that instead of legislating on a broad basis and seeking to promote the true interests of the people, they were founded on the narrow basis of a unanimity which the discordant interests of the Universities and of the governing bodies, rendered it impossible to establish. He hoped, therefore, that the House, instead of assenting to the Bill of the hon. and learned Member for Newcastle-on-Tyne would adopt the Bill drawn up by the Committee to whom they had referred the consideration of the subject. It was absurd to endeavour to obtain the consent of all the various bodies whose interests would be affected by such a measure. If Parliament had waited until the consent of the legal profession had been obtained to improvements of the law, what efficient legal reforms could have been effected? If they had waited for the consent of the owners of rotten boroughs, when would the measures of Parliamentary Reform have been carried? If they had waited for the consent of the farmers, and had been influenced by their petitions, when would free trade in corn have been established? He called upon the House, then, to act with justice in this case, regardless of the interested opposition of a portion of the profession. He was aware of the Quixotic nature of the enterprise he had undertaken in endeavouring to induce the House to oppose an organized agitation which extended throughout the three kingdoms. He knew what influence must necessarily be exercised by men of intelligent and highly cultivated minds, whose profession it was to heal the sick, to relieve the suffering, and to smooth the pillows of the dying. Their mission was indeed high, and no one could wonder at their influence. It must be remembered, however, that physicians were but men, and that the House was now called upon to deal with men not in their individual but in their corporate capacity. If hon. Gentlemen, setting aside all the influence of private feeling and of personal predilection, would view this question dispassionately and upon its merits alone, he had little fear of the result, and he confidently anticipated that they would reject the monopolizing Bill of the corporations and would substitute in its place the Bill of the Select Committee.

MR. NAPIER said, that the noble Lord who had last addressed the House was at a loss to surmise what were the views of the Members for the great Universities on the question now before the House; but did it not occur to the noble Lord that they supported the Bill of the hon. and learned Member for Newcastle, because they agreed in its principles? He (Mr. Napier) supported it upon that ground, and because it met with the approval of his constituents —a body of men as distinguished as any in the United Kingdom, and whose views he, on this matter, adopted as his own. In illustrating the position which the proposed Council would bear in relation to the Universities, he would take the case of the Universities and the Inns of Court, as he was only anxious to carry out the same views with regard to the medical profession which he had advocated with regard to his own. What were these Inns for? Solely to prepare men for the bar. They stood as between the Universities and the bar itself, just in the position occupied by the medical corporate bodies, as between the Universities and actual medical practitioners. They stood between education and actual practice. Now, when the Commission on legal education made their Report, did they propose to take from the Inns of Court their legitimate position, their proper functions, or their property? Certainly not. They simply proposed that these Inns should be made more efficient for the imparting of that special instruction which ought to be obtained by men going to the bar after they had received that general education in arts which it was the province of the Universities to impart. And, whilst alluding to the Commission on legal education, he would ask of whom was that Commission composed? Let them see how the bar was treated, and then see what had been done in the case of the medical profession. On the Commission on legal education were Judges and practising lawyers. Was the medical profession equally well treated, when the system of medical education was under inquiry? But what had the Commission on legal education, composed as it was, recommended? Why, the members decided unanimously that the Universities should confine themselves to the preparatory enlightened education necessary for every man destined to become a member of a liberal profession, but that the Inns of Court should apply themselves to the preparing of men in those particular studies which are necessary to make them fit to practise at the bar. In order that this should be done more effectively, the Commissioners recommended that one uniform plan should be adopted for all the Inns; there being some of those Inns which, like some of the Universities, granted degrees on easy terms, while others of them were anxious to raise the standard of education. However, the Commissioners, while recommending one uniform plan for the Inns of Court, did not wish in the slightest degree to interfere with the education given in Universities, and which they believed to be most important for the purpose of affording a liberal and enlightened education. In that opinion he fully agreed, because he believed it a great mistake to bring up young men from their first education on a narrow and exclusive system. Such a course would not only be a mistake in the case of men destined for the bar or the medical profession, but also in the case of those destined for the war departments of the public service, the military and naval professions. The Report on military education showed the mistake of any such system; and accordingly it was recommended that after young men who intended to adopt the army as a profession had received in a University a sound, enlightened, and liberal education, that then, and not till then, should they enter a military college to receive that exclusive education necessary for their professional pursuits. The same rule would apply to the legal and medical professions. The College of Physicians and the College of Surgeons were intended for that particular education required for members of the medical and surgical professions. He wanted to put the medical profession on the same footing as the profession of the law, and what he was anxious about was, not so much particular details, as that the House should proceed on enlightened educational principles. This subject had been considered by a Select Committee, of which he had been a member; but, at that time, they were embarrassed by the fact, that nearly all the medical bodies were at variance, and that great difficulty had to be encountered before they could be brought into harmony. Therefore that Committee tried to do the best it could under the circumstances. All the hon. Members of that House who had served on Committees of the kind knew how much might be learned by attention to the facts detailed in evidence. Now, he represented a University which had a school of medicine and surgery of very high standing, but the medical bodies of Dublin had felt that their interests conflicted. However, after having considered the matter, he told them that it was most important that they should have a general and enlightened system of surgical and medical education. He advised them to meet together, and confer, before the medical bills would again come under discussion in Parliament, in order to agree on some general principles. The result was that, after frequent meetings, these distinguished bodies at last came to an understanding, and the views presented in the Bill of his hon. and learned Friend the Member for Newcastle embodied in the main the results at which these medical corporations had arrived; and thus a Bill came before the House, having on the back of it his own name, as Member for the University of Dublin, in connection with the names of his hon. Friend the Member for Oxford and his hon. and learned Friend the Member for Newcastle. He could not but think that the Bills of his hon. and learned Friend the Member for Newcastle and the noble Lord (Lord Elcho) were irreconcilable. They proceeded on totally different principles. The Bill of the noble Lord transferred all over to the Crown, for the council was to be nominated by the Crown, and the President of the Board of Health was to be the chairman of the council. There was no use in using the *ad hominem* argument—"You did not object to it before the Select Committee." No man had a right to make use of such an argument in a case like the present. He repeated that the whole medical body would be under the influence of the Crown if the Bill of the noble Lord passed; and that, he contended, would not be a healthy state of things, neither would it be a necessary state of things, if it was possible to get the medical bodies themselves to agree to carry out, under a council of their own members, the desired measures of medical reform. The Bill of his hon. and learned Friend the Member for Newcastle, provided that the council should be an independent one, and that in it should be comprised representatives chosen by the Colleges of Physicians and Surgeons, and the Apothecaries Society of England, the Universities of Oxford, Cambridge, London, and Durham; the Colleges of Physicians and Surgeons of Edinburgh, the College of the Faculty of Glasgow, the University of Edinburgh, the Medical Colleges, the University of Dublin, and the Queen's University in Ireland; the Universities of Scotland (Glasgow, Aberdeen, and St. Andrew's) being grouped together. He was himself old enough to have drawn up the renewed charters granted to the medical corporate bodies in Dublin, and which his right hon. Friend the Member for Carlisle (Sir James Graham) would remember to have been granted by a Government of which he was a member, and he thought Ireland had reason to be greatly proud of her medical schools. Therefore, taking Ireland *per se*, he did not think the standard of medical education in that country could be at all objected to. But with respect to some of the Scotch schools, he was bound to say the case was different. They had diminished the value of their own degree by the readiness with which they granted it. He would beg distinctly to be understood as speaking with the highest respect of Scotland generally. He knew that that country had produced men eminent in all the branches of learning, besides which it was the country of his ancestors—an additional reason for his respecting it. Nevertheless he was compelled to say, that the value of some Scotch degrees had fallen in the market. He knew as a fact that many men, when they could not stand the necessary test to secure them a degree at home, proceeded to Scotland, and obtained a degree in that country from one of those Universities which did not require a degree in arts preliminary to a degree in medicine. He had met one gentleman, the holder of such a degree, who was ignorant of the name of the most commonly known works of Homer. One of the great points in the Bill of his hon. and learned Friend was, that it contemplated that before taking a degree as a physician a person must have taken a degree in art at some University; whereas his noble Friend (Lord Elcho), only required the minimum of education, thereby lowering the status of the profession to the level of the general practitioner. The noble Lord maintained the right of the Universities to grant licences to practise, but he (Mr. Napier) thought the function of the Universities should be to afford a sound preliminary and preparatory training, leaving to other bodies who were better competent to judge of qualifications for practice the duty of licensing. His noble Friend had referred to the University of London, but the opinion of that University on this subject, as expressed in a printed paper, which had been circulated by it, was contained in these words:—"At the same time the Senate have no desire to see conferred on this University any general or uncontrolled authority to grant licences to its graduates to practise; nor do they desire to secure special immunities for the University of London in particular." The University of London agreed, then, that the right principle was, that no monopoly should be given to the Universities; and this was the principle of his hon. and learned Friend's Bill. What the noble Lord wanted was, that the Scotch Universities should be at liberty to grant degrees in medicine without requiring previous degrees in arts. He (Mr. Napier) must say, that he had met graduates in medicine from Scotland whose ignorance was quite astounding. He contended they ought to take the very highest standard of education, and the question was how that was to be provided. They had in the Bill of his hon. and learned Friend (Mr. Headlam) provision made for a general council formed of the representatives of all the medical bodies, and that council had the power of insisting on a good general education, and a special education in medicine and surgery. If they wished to have medical practitioners a more enlightened and better educated class, they must call upon the Universities to provide a better education. They must refer for their standard of general education to the best University, and take their licensing power from the best professional body. Then the Bill of his hon. and learned Friend (Mr. Headlam) made provision for a register which stated the qualifications conferred on practitioners in every instance, and on which the public could always rely for information of that kind. But it was said there were several corporations opposed to the Bill of his hon. and learned Friend, and among others the apothecaries of Ireland. With regard to the apothecaries of Ireland he (Mr. Napier) thought that body had quite misunderstood the effect which the measure was likely to have upon their interests, and he denied that it took away from them any privilege they already possessed. It was often said that as a body the members of the medical profession were not equally well educated with the Bar and the Church, but he could see no reason why that should be. No doubt, so many advantages in the way of preferment were not open to them, but still he thought the main reason was that the education of the medical practitioner had heretofore been much too exclusive, and did not embrace that preliminary and good general education which it was one of the main objects of the Bill of his hon. and learned Friend to enforce. That Bill, too, would secure what would be a manifest desideratum — namely, a common standard of education for the medical profession of the whole United Kingdom. Where could they have that education so well carried out as in the colleges enumerated in the Bill of his hon. and learned Friend? The efficiency of that education would be indicated and proved by the licence to practise which would be given only after examinations conducted by the most competent men and controlled by the general council. With that strictly professional education the Universities ought not to interfere, as it did not come within their functions. By the Bill of his hon. and learned Friend the student intended for the medical profession, after an education at a University, would be taken up by the eminent men who attended the various hospitals and prepared by them to practise. The subsequent examinations would secure the requisite amount of competency, and there would also be the advantage of one uniform licence. As he had before observed, the University of Dublin had medical and surgical schools of high reputation; but from its great desire to advance the cause of medical education it had yielded up its special privileges of granting a power of licensing, and consented to take the position of a University imparting an education in arts, and a medical education without the power of licensing. His noble Friend (Lord Elcho) had stated that the Bill of his hon. and learned Friend the Member for Newcastle was in some measure framed as a bribe to him (Mr. Napier), and his hon. Friend the Member for the University of Oxford; but he (Mr. Napier) hoped that there was nothing in the fact of Members for two such learned Universities advocating the cause of a high standard of education to warrant such a conclusion. He wished to see the medical corporations themselves taking into their own hands the work of medical reform. The same desire actuated the Commission on legal education, who had determined to do everything in their power to induce the Inns of Court to carry out the necessary reforms in legal education, and only to apply to the Legislature as a last resort. The principles of this Bill were also the same as those advocated by the Commissioners on military education, who reported in favour of a liberal and enlightened general education in the first instance, and military colleges as the intermediate between that education and practice of the profession. In France, where a contrary opinion formerly prevailed, it was now decided that it was a great mistake to exclude study in arts from the education of a medical man. He trusted, therefore, the House would not give way to the suggestions made by the opponents of the Bill of his hon. and learned Friend, emanating, as those suggestions did, from quarters where at present nothing like an adequate amount of education was given, and where the governing bodies wanted to have the power of giving degrees in medicine with degrees in arts, and, in fact, to dispose of an inferior article in the market. He thought the medical profession had not been fairly treated in this country. He could not doubt that it ought to rank almost as high as the theological profession, for a man could be the priest of his own family, but he could not be the physician of his own family. It had, however, never been held in anything like equal esteem with the profession either of theology or of the law. He could not understand why that should be, seeing how intimately our moral and physical qualities were blended together, and how delicate and important in the last degree were the functions which medical practitioners were constantly called on to discharge. Believing that the Bill of his hon. and learned Friend would have the effect of insuring to them a higher amount of general and professional education, and of elevating their profession generally, and knowing that it had the approval of his constituents, than whom there was no body of men more capable of appreciating its merits or of forming correct opinions on the subjects with which it dealt, he gave it his most cordial support. There were some modifications which probably would be thought desirable, but they could be made in Committee, and, therefore, afforded no ground for opposition to the second reading.

Mr. COWPER said, he thought it required all the ability of the right hon. and learned Gentleman who had last addressed the House to justify the deprivation, contemplated in certain cases by the Bill of the hon. and learned Member for Newcastle, of the power of licensing medical practitioners now vested in the Universities. He hardly expected that the right hon. and learned Gentleman, who represented a University in that House, would have given his support to this measure. Last year the right hon. and learned Gentleman took a different view in the Select Committee, and it was to be hoped that on further consideration he might revert to his former opinion. The Bill of the hon. and learned Member for Newcastle took from the Universities the power which they possessed by law of giving licences to medical practitioners; and what was the equivalent they were to receive in return? By the Bill No. 3 they would receive what he (Mr. Cowper) thought was a proper equivalent—namely, that they would have the power of nominating the examiners who were to examine in the sciences connected with medicine, while the medical corporations would nominate the examiners who were to examine in the practice of the art. When the hon. and learned Gentleman (Mr. Napier) found fault with the education given at the Universities, he must have alluded to places where the education given was of an inferior description; but he would ask the hon. and learned Gentleman to look not merely to those Universities, but also to the Universities of London, Edinburgh, and Glasgow, which were medical schools, and especially to that of Edinburgh, where not merely the theory of medicine was taught, but also the practice in the most eminent degree. The House had heard a great deal said about unanimity during this debate. The subject of medical reform occupied a singular position with regard to the question of unanimity. While they had, on the one hand, corporation against corporation, reformer against reformer, and the most conflicting views to take into consideration, every one who came forward to legislate on the subject always began by stating that he had succeeded in attaining unanimity. The hon. and learned Member (Mr. Headlam) stated, when he sought to introduce his Bill of last year, that it had received the unanimous assent of the general body of the medical profession; but when the House went into Committee upon it, no less than fifty-one Amendments were suggested to the measure so unanimously recommended; and, indeed, the opposition to the Bill from every quarter of the House was so manifest, that the hon. and learned Member found it out of the question to attempt to carry the measure further, and he took the very wise course of agreeing to a suggestion to refer it to a Select Committee. When it was referred to a Select Committee there was really unanimity, because the only division of importance that arose was on a Motion as to the constitution of the council, which was carried by a majority of 8 to 2. As to the constitution of the council, he (Mr. Cowper) had no objection to the representative formation, if the numbers could be limited and the balance of interests adjusted, but he thought the influence of the Crown ought to be felt in that body; and, if the nomination of the Crown was not to be adopted, there ought to be a provision by which the decrees and resolutions of that council should not come into effect unless they had the approval of Her Majesty by the advice of the Privy Council. By that means the advantages of representations would be combined with the authority and responsibility of the executive government. The question, however, now before the House was not the constitution of the council. That was a matter of detail which might be settled in a variety of ways. The principle of the Bill of the hon. and learned Gentleman was the way in which it decided who was to be hereafter a legally qualified practitioner, and how the lowest requisite amount of qualification was to be ascertained. Those were matters of great importance to every individual in this country who might require to have recourse to a legally qualified practitioner. In the other learned professions the law provided that no person should hold himself out to the world as a practitioner unless he had a legal qualification. He should be sorry to be unjust to a class of practitioners who had the special protection of the hon. Member for Finsbury (Mr. Duncombe), or to throw any restriction which might be uncalled-for by the interests of the public in the way of quacks. If a man, having once obtained a qualification, chose to set up as a quack, and the public chose to go to him, the law ought not to interfere; but he contended, that the public ought to have every facility afforded them for ascertaining which of those quacks had had a proper medical education, and which of them had not. One great defect under the present system was the want of proper qualification among a large number of persons who were yet held to be qualified by law. Several hon. Gentlemen had assumed that the present state of the law in respect to qualification was all that could be required; but he, on the contrary, believed it was very imperfect, and that the Bill of the hon. and learned Gentleman (Mr. Headlam), instead of providing an adequate remedy, rather aggravated the evil than otherwise. He should have been ready to support the Bill if he could have done so, but believing that its effect would be to lower instead of raising the standard of qualification, he should be compelled to vote against the second reading. [*Cries of* "Divide!"] If he were to leave off speaking, some other hon. Member would claim to exercise his right to be heard, and their impatience for a division would not be satisfied by his resuming his seat. First of all there was the qualification given by the College of Surgeons. If that college were restricted to the giving titles to members of the profession, making fellows, and establishing lectures, he should be anxious to increase their power; but the purpose for which especially they were not well qualified was that of licensing surgeons, whereas it was assumed by this Bill that licensing could not be in better hands. It was quite notorious that the manner in which the thing was carried on was not satisfactory. He held in his hand a memorial presented by the medical officers and lecturers of Middlesex Hospital to the Court of Examiners of the College of Surgeons, imploring them to improve the system of examination, and declaring that at present what the Court required was certificates of attendance rather than proof of proficiency. This question had often been under the consideration of the College of Surgeons, and he believed the argument that had prevailed was, that if the examination were stricter a sufficient number of persons would not be admitted into the profession. On that point he differed from them, believing that if the standard were raised the required number of candidates would come up to it. One great fault in this Bill was, that the examinations for surgery and those for the collateral sciences were both to be conducted by the same Court of Examiners. He thought the examinations in the collateral sciences should be carried on by those who taught those sciences, and that the Court of Examiners should be limited to surgery. The Court of Examiners were the senior members of the college, and had had great experience in practical surgery; but as regarded the sciences of chemistry, botany, physiology, and pathology, he must say that they had no particular aptitude for conducting examinations. A great number of years had elapsed since they were compelled to study such sciences, and they could not be expected to keep up with the progress of discovery as professors must who taught these sciences. Another objection to the Bill was, that it exempted the College of Physicians from the necessity of having an examination in the practice of surgery: so that, after this Bill passed, the physician would still be a man who with haughty and fastidious contempt for a necessary branch of the art of healing, might ignore what the humblest surgeon was compelled to know. Again, by this Bill, medical men, instead of remaining divided into the three branches of physicians, surgeons, and general practitioners, would be classed under the two heads of physicians and of surgeons and general practitioners, the two latter being put together. This was a most faulty arrangement, and one that had always been opposed by those who best understood the interest of the profession. The College of Physicians itself, in a memorial which it presented last year, said it was important that the distinction between the three orders of the profession should be maintained. The Bill of the hon. and learned Gentleman was an ill-advised attempt to patch up the defects of the existing system, and was objectionable in that it did not substitute a better examination for the present imperfect one, of which great complaint was made, and that it did not provide for an improvement in the standard of qualification of the general practitioner. If the House rejected the Bill No. 1, it would not be compelled to accept No. 3. The subject had been thoroughly examined by a Select Committee, representing as far as possible all the interests concerned, and the result had been the almost unanimous rejection of the provisions sought to be introduced by the Bill now before the House. The Government were not in any way bound to support the Bill No. 3, but as the public and especially the poor must be dependent for their health, and for the preservation of their lives, upon the proper qualifications of general practitioners, he had felt it his duty to state to the House his views upon the measure which was now under consideration.

Mr. HEADLAM replied: With the permission of the House, he would refer to the history of this question a little before last Session, the period to which the noble Lord and those who supported him had confined their observations. In the year 1844, after investigations by Committees of which the most eminent men in that House were Members, the right hon. Baronet the Member for Carlisle (Sir J. Graham), with the full authority of the Government of which he was a member, brought in a Bill which was in all respects identical with that which he (Mr. Headlam) had submitted to the House; and in the following year another Bill of precisely similar character, and containing the same recognition of the rights and privileges of corporations as he had embodied in his measure, was introduced by the same right hon. Baronet. Unfortunately the medical profession did not give to those Bills the support which they deserved, and they were lost. Since that time the subject had been agitated again and again. At last the profession had attained a degree of unanimity in favour of this Bill, which, considering the conflict of privileges, rights, and interests, was something wonderful; and he thought it was not too much to ask that the House should at least read a second time a measure which was so recommended and so sanctioned. Last year he introduced, on behalf of the medical association, not on behalf of these corporate bodies, a Bill in which regard was paid to their rights and privileges, and with regard to which there had been some misrepresentation. That Bill was read a second time without opposition. When it went into Committee, the right hon. Baronet the Secretary of State for the Home Department proposed an Amendment, of which he had very unfairly given notice only on the previous evening, providing that all the members of the council should be nominated by the Crown. On a division that Amendment was carried by the influence of the Government. The matter was referred to a Select Committee, of which, in the natural course of things, he (Mr. Headlam) should have been Chairman. At first, however, he declined to be even a member of the Committee. The right hon. Gentleman who had just addressed the House, then President of the Board of Health, nominated it, presided over it, and introduced into the Bill which emanated from it those clauses of which he now complained, which would entirely destroy all the organization which had grown up within the medical profession, and subject that profession to a council, to be nominated by the Crown, and of which the President of the Board of Health would be the head. If he had nothing to do with the medical profession he should, on constitutional grounds, to the utmost of his ability, oppose the clauses which would thus subject that profession to the control of the Crown. There were many reasons why it was not desirable that this council should be nominated by the Crown, but the strongest of these was, that it was from this council alone that the right to practise could be obtained. Such a constitution would place the profession entirely at the mercy of the Crown. It was the duty of the House in some measure to consider the rights and feelings of the medical profession; and he would undertake to say that the Members of that profession generally objected to the Bill of the noble Lord (Lord Elcho), and that the assents which he had obtained were mainly attributable to some trifling objections which were entertained to parts of his (Mr. Headlam's) measure. In the course of the last autumn a compromise had been come to, and endeavours had been made to settle this question by mutual concessions. It was not right that the noble Lord, or any other hon. Member, should have endeavoured to revive differences which undoubtedly existed last year, and thus, by exciting old jealousies, to throw obstacles in the way of a measure founded upon that compromise. He objected to the noble Lord's Bill, because the council was to be nominated by the Crown, because it would entirely destroy all the organization which had grown up within the profession, and because it made the minimum of education the sole barrier over which a man must pass before he entered the profession. If the House was prepared to subject to such a stigma as this not only the medical, but all other professions, let them pass the Bill of the noble Lord. If they wished for a council chosen from the profession, with a certain number of members nominated by the Crown, to which should be given the general superintendence of the profession, let them assent to the measure which he now asked them to read a second time.

MR. CONINGHAM said, that neither of the Bills met his views, and he should therefore vote against both. He should oppose that now before the House on principles of free trade, because he did not want to establish a great monopoly.

Question put, "That the word 'now' stand part of the question."

The House *divided*:—Ayes 225; Noes 78: Majority 147.

Main Question put, and *agreed to*.

Bill read 2°, and *committed* for Wednesday next.

MEDICAL PROFESSION (No. 3) BILL.

BILL WITHDRAWN.

Order for Second Reading read.

LORD ELCHO said that, as he understood that the discussion which had just concluded had been upon both these Bills, and the result of the division was in favour of No. 1, and against No. 3, he should not at present attempt to proceed further with the latter. At the same time, as he ventured to prophesy that the Bill No. 1

would not pass into law this Session, he gave notice that if the Government did not take up the question, he should next year reproduce the Bill No. 3 in its present form. Under these circumstances he moved that the order of the day for the second reading of the Medical Bill No. 3 should be read and discharged.

Order *discharged;* Bill *withdrawn.*

ROCHDALE ELECTION—REPORT.

House informed, that the Committee had determined—

That Sir Alexander Ramsay, baronet, is duly elected a Burgess to serve in this present Parliament for the Borough of Rochdale.

And the said Determination was ordered to be entered in the Journals of this House.

House further informed, that the Committee had agreed to the following Resolutions:—

1. "That it appeared from the Evidence of Abraham Rothwell, Mary Ann Hughes, Richard Hughes, and Martin Daley, that the said Abraham Rothwell, Richard Hughes, and Martin Daley were bribed by various sums of money being given to and offered to them, but the evidence was so ccontradictory and unsatisfactory, that the Committee feel that very little reliance can be placed upon it.

2. "That there was no evidence to show that the aforesaid acts of bribery were committed with the knowledge and consent of the said Sir Alexander Ramsay or his agents."

Report to lie on the Table.

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, July 2, 1857.

MINUTES.] PUBLIC BILLS. — 1° Christchurch (West Hartlepool).

2ª Sound Dues; Consolidated Fund (£8,000,000); Militia (Ireland) Act (1854) Amendment.

3ª Insurance on Lives (Abatement of Income Tax) Continuance; Town Byelaws Revision; Joint-Stock Companies Act Amendment.

ADMIRAL OF THE FLEET.—QUESTION.

THE MARQUESS OF **SALISBURY** said, that it having been customary that the senior Admiral in the service should succeed to the post of Admiral of the Fleet, it was naturally felt by the navy generally, and more expecially by the officer now at the head of the list, that it was hard the commission should have been filled up since the death of Sir Byam Martin. It was a merely honorary commission, and fairly looked upon as a mark of distinction. It was therefore desirable to know whether it was intended to be filled up.

EARL **GRANVILLE** thought it detrimental to the public service when Parliament interfered with the Government as to the promotion or non-promotion of particular individuals. He should therefore, without meaning any disrespect to the noble Marquess, decline to answer his question.

THE DUKE OF **NORTHUMBERLAND** said, that the office of Admiral of the Fleet was one of the few prizes in the profession, and it had always been the practice to appoint to this distinction. The appointment was regarded by the navy as a proper compliment from the Crown. This was the first time a vacancy had occurred without being filled up, and it was, he thought, worth the consideration of the Government whether they would not continue to appoint the oldest eligible member of the service to the post of Admiral of the Fleet, the salary attached to which was not more than £365 per annum.

LORD **COLCHESTER** said, that the post of Admiral of the Fleet was equivalent in rank to that of Field Marshal in the army. There had been two Field Marshals lately appointed, and he thought it was unjust to the navy that they should have no officer of corresponding rank in their service, although there was an opportunity of appointing one.

EARL **GRANVILLE** said, that the Government were of opinion that there was no person particularly marked out at this moment to fill an office of this sort.

GREAT NORTHERN RAILWAY (CAPITAL) BILL.

SECOND READING.

Moved, That the Bill be now read 2ª.

LORD **ST. LEONARDS** (who had previously presented three petitions from the holders of preference shares or stock against the Bill said, that although the Bill was one of a private character, it involved a question of great importance. Its object was, as their Lordships were no doubt aware, to provide for the loss caused by the forgeries committed by Redpath. That loss amounted to £220,000, and had been incurred in consequence of the neglect of the directors of the company, who had only to have opened the books to discover the simple method by which these forgeries were perpetrated, namely, by placing a figure of 1 before any amount of stock transferred in the books of the company. Of course the directors were anxious to have that loss provided for; and when they discovered it, as they might have done long before, they made the proposal embodied in this Bill, which was to throw the whole loss upon the half-year's revenue of the company, as if it had been incurred in that half year. Now, there were different classes of shareholders in the company, some only of the ordinary description, and some preferential shareholders. Now, people invested their money in stock of the latter description, in the belief that their interest was guaranteed, and was as secure as if they had invested in the public funds. But if this Bill were passed, it would wholly deprive them of any interest for the half year ending in January last, because, while their loss was what he had stated, the revenue for that half year was a little above a quarter of a million, and as that would be nearly exhausted in meeting these losses, the preference shareholders would get no dividend. Now, there was no reason whatever why a loss which was discovered but not sustained in one half year should be charged exclusively upon the revenue for that period. If the loss had been discovered in the half year in which it occurred (as it might have been), it might have been paid without diminishing the receipts of the preference shareholders, while further loss would have been prevented. The preference shareholders, according to every construction of the contract under which they held their shares, had a right to be paid in the first instance, and they ought to be so paid; and then all the revenue above their claims, which under ordinary circumstances would have gone to the ordinary shareholders, should be applied to meet the loss to which he had referred. The propriety of taking this course was strengthened by the fact that, although frauds and forgeries had been committed, they did not legally bind the company, which was, in fact, merely paying the loss which had accrued out of policy, and in reference to the effect of a contrary course upon the dealings in shares on the Stock Exchange.

Lord WENSLEYDALE said, although it was not his intention to oppose the second reading of the Bill, he thought that if passed in its present state, it would do a great injustice to the preference shareholders. He was himself a preference shareholder, and would suffer a considerable loss in the matter.

Motion *agreed to;* Bill read 2^a accordingly, and *committed.* The Committee to be proposed by the Lords Committees appointed for proposing Committees on opposed Bills.

ADULTERERS' MARRIAGES BILL.

SECOND READING NEGATIVED.

Order of the Day for the Second Reading read.

Lord REDESDALE, in moving the second reading of this Bill, said that, its object was to remove the objection which had been taken to one of the Amendments moved during the recent discussion of the Divorce Bill, that it would be unjust to require an injured husband or wife to be married before a registrar, or on the other hand, that the clergy of the Church of England should be called on to perform the marriage service in the case of parties who had been divorced. Remedies were proposed, in various shapes, which were opposed, but not on any objection to the principle, and by the present Bill he sought to meet the various grounds on which the remedies had been rejected. The first objection was, that it would be an injustice to the innocent parties to a divorce suit, that they should be obliged to have recourse to a marriage before the registrar. He proposed to remove that objection by confining such marriages to the guilty parties. He simply proposed to enact that the marriage of persons who had been divorced on account of their own adultery should take place at a registry-office. The effect of this would be that the parties could, if they pleased, have the religious ceremony performed afterwards, but it would not be compulsory upon any clergyman to celebrate their marriage. They must find some person who had no objection to perform such a ceremony, and whose conscience, therefore, would not be violated by its performance. He did not think that this would impose hardship upon any one; on the contrary, it would afford great relief to those to whom otherwise a great injury would be done. It had been said that hitherto no clergyman had objected to marry divorced persons; but no great weight was to be given to this objection, because the cases in which such marriages had taken place were but few, and it was only during the discussion of the measure now before Parliament that this question had taken a deep hold of the public mind. Under these circumstances, he moved that the Bill should be read a second time.

Moved, That the Bill be now read 2ª.

THE LORD CHANCELLOR said, he thought there were a great many reasons why their Lordships should not agree to the Motion of his noble Friend, but surely it was an all-sufficient reason that he was now proposing for the fourth time that which had, within the last two or three weeks, been three times rejected by their Lordships. A proposal of precisely the same effect was made while the Divorce Bill was under their Lordships' consideration. Indeed, that proposal had the advantage of this measure, because it was more consistent, and met the whole case. This Bill only went half-way. It was said that a great number of clergymen considered marriage indissoluble, and therefore ought not to be called upon to re-marry any person who had been divorced, whether innocent or guilty. The Amendment moved by the noble Earl to his left (Earl Nelson) went to that extent, and therefore, if assented to, would have removed the whole of this, as he believed, imaginary grievance. It was three times decided by their Lordships that it was not right to interfere in such a case, and that he thought, was of itself a sufficient reason why this Bill should not be read a second time. There were, however, other reasons which would, he hoped, induce their Lordships to pause before assenting to anything which would establish so strange a precedent as that involved in this Bill. His noble Friend proposed that a certain form of marriage should be adopted for persons who had been divorced. Suppose the Bill now before the House of Parliament did not pass into a law, the consequence would be that, as the only divorced persons known to the law were those divorced by the ecclesiastical courts, all such persons might go before the registrar and marry, and if they were indicted for bigamy might justify their marriage under the provisions of this Bill. It was true that that objection might be removed by altering the wording of the measure; but how would this Bill apply to marriages dissolved by special Acts of Parliament which allowed divorced persons to marry again without specifying any form of marriage? The matter would, he admitted, be open to argument, but he believed that the effect of this Bill would be to alter the provisions of all previous Acts which had authorized marriage in any mode. If the Bill now before the other House did not pass, this measure would have no effect upon subsequent Acts of Parliament dissolving marriages, because when such an Act said that it should be lawful for the parties to marry again, that would mean as other persons could. In fact, this enactment would not operate on any known *status*, except marriages dissolved by the Ecclesiastical Court, and it was in fact, a clause or "rider" on the other Bill, the enactment of which had been already negatived three times. Under these circumstances he hoped their Lordships would refuse to give a second reading to this Bill.

Amendment *moved*, to leave out ("now") and insert ("this Day Six Months.")

LORD CAMPBELL thought the proposal of the noble Lord wholly unparliamentary and unprecedented. A Bill which embraced the whole of this subject, and from which this provision had been excluded, had been agreed to by their Lordships and sent down to the other House, and was about to be taken into consideration there. If the other House thought this particular provision a fair and just one they would no doubt insert it in the Bill; but it would be a very extraordinary mode of procedure to send down a rider to that Bill in the shape of a proposition which their Lordships had already rejected two or three times. He was very much surprised that his noble Friend, the great Lord of order in their Lordships' House, to whom they all looked up in matters of procedure, should have made such a proposition.

THE ARCHBISHOP OF CANTERBURY said, that if on any point of order, as had been stated by the noble and learned Lords, there were a constitutional objection to the Bill proposed by the noble Lord, it would, of course, be unnecessary and improper to urge it upon their Lordships: but he must express his earnest hope that, in this or some other mode, either in this or in the other House, some relief might be afforded to the clergy, who were seriously affected by the matter to which it referred. There was nothing in the principle of the Bill in question which compromised their Lordships or interfered with what they had already determined—nothing which was inconsistent with their conduct on other occasions. It was now twenty years since some of those who dissented from the Church made a loud and earnest complaint that they were forced to celebrate their marriages according to a service which differed from their religious opinions; Parliament judged the complaint to be reasonable, and gave a remedy—a remedy which completely altered the whole law of marriage. The clergy of the Church now complain that they might be obliged by law to perform a service which they believed to be inconsistent with the Divine command. He would not now discuss the question whether they give a right interpretation to the Scripture; but he maintained that, as long as the same words remained in Scripture, there would always be many who would so interpret them. Surely it was not unreasonable to require that persons contracting marriage under the circumstances contemplated in the Divorce Bill now before the Commons House should be satisfied with a civil contract, content with the privilege of a legal marriage and a legitimate issue. The case became much stronger by the nature of the marriage service. He was unwilling to allude more particularly to that service; indeed, it could hardly be done in connection with this subject without the appearance of profaneness. But their Lordships would remember that the service assumed, in solemn terms, the Divine approval of the marriage, even that it was divinely ordered. It was true that charity hopeth all things; but it passed the bounds of charity to pronounce, *ex cathedrâ*, the Divine approval of a marriage which had its origin in a guilty passion, and was brought about by a heinous crime. For these reasons he trusted that a new obligation might not be imposed upon the clergy which they could not fulfil without doing violence to their conscience; but that, either through this present Bill, or in some future clause of the Marriage and Divorce Bill, a remedy would be found.

Lord REDESDALE said, it was not denied that there was a great grievance in compelling the performance of the marriage service by the clergy in these cases, and there could be no such hardship if this Bill passed. It would act as a relief to those who entertained conscientious objections on the subject, and would prevent that wantonness of tyranny which would compel the clergy to perform these marriages against their conscience. Under these circumstances he felt it his duty to take the sense of the House upon the measure.

On Question, that "now" stand part of the Motion? their Lordships *divided*:—Contents 23; Not-Contents 62: Majority 39.

Resolved in the *Negative;* and Bill to be read 2ª on *this Day Six Months.*

CONTENTS.

Canterbury, Archbp.

Manchester, D.

Bath, M. [*Teller.*]
Salisbury, M.

Belmore, E.
Carnarvon, E.
Nelson, E.
Powis, E.
Selkirk, E.
Talbot, E.

Doneraile, V.

Hutchinson, V. (*E. Donoughmore.*)
Melville, V.

Chichester, Bp.
Durham, Bp.
Kilmore, &c., Bp.
London, Bp.
Oxford, Bp.

Congleton, L.
Crewe, L.
Downes, L.
Ravensworth, L.
Redesdale, L. [*Teller.*]

NOT-CONTENTS.

Cranworth, L. (*L. Chancellor.*)

Cleveland, D.
Somerset, D.

Breadalbane, M.
Exeter, M.
Lansdowne, M.
Townshend, M.

Abingdon, E.
Airlie, E.
Burlington, E.
Clarendon, E.
Denbigh, E.
Derby, E.
Essex, E.
Fortescue, E.
Granville, E.
Malmesbury, E.
Munster, E.
Spencer, E. (*L. Steward.*)
Stanhope, E.
Zetland, E.

Combermere, V.
Falmouth, V.
Gordon, V. (*E. Aberdeen.*)
Hardinge, V.
Sydney, V.

Ardrossan, L. (*E. Eglintoun.*)
Aveland, L.
Berners, L.
Brougham and Vaux, L.
Calthorpe, L.
Camoys, L.

Campbell, L.
Churchill, L.
Clandeboye, L. (*L. Dufferin and Claneboye.*)
Colchester, L.
Dartrey, L. (*L. Cremorne.*)
Digby, L.
Foley, L. [*Teller.*]
Granard, L. (*E. Granard.*)
Hatherton, L.
Hunsdon, L. (*V. Falkland.*)
Leigh, L.
Lyndhurst, L.
Minster, L. (*M. Conyngham.*)
MontEagle, L. (*M. Sligo.*)
Monteagle of Brandon, L.
Panmure, L.
Ponsonby, L. (*E. Bessborough.*) [*Teller.*]
Raglan, L.
Rivers, L.
Saye and Sele, L.
Sefton, L. (*E. Sefton.*)
Somerhill, L. (*M. Clanricarde.*)
Stanley of Alderley, L.
Saint Leonards, L.
Stuart de Decies, L.
Sundridge, L. (*D. Argyll.*)
Talbot de Malahide, L.
Truro, L.
Wensleydale, L.
Wycombe, L. (*E. Shelburne.*

ADULTERERS' MARRIAGES BILL.

Die Jovis, 2° Julii, 1857.

PROTEST

Against the Rejection of the Bill.

Dissentient—"Because many of the clergy conscientiously object to declare in the words of the Marriage Service the union of a divorced adultress with her paramour 'holy matrimony, signifying the mystical union betwixt Christ and his Church,' and to pronounce over such union our blessed Lord's words, 'Those whom God hath joined together let no man put asunder;' and it is unjust to leave them subject to penalties for refusing to be guilty of what they believe to be an act of impiety, when relief can be afforded without injury to any principle or person in the manner proposed by this Bill.

"Redesdale."

ROMAN CATHOLIC CHARITIES BILL.

COMMITTEE.

House in Committee (according to Order.)

On Clause 1.

Lord ST. LEONARDS said, that, after the passing of the Roman Catholic Relief Bill, the Roman Catholic charities had been put upon the same footing as those of other Dissenters. He should be sorry to see the Act of George II., which applied to all charities, of whatever denomination, altered. The relief given to one class of Dissenters ought to be given to all. The Roman Catholics ought not to be allowed to occupy a higher ground than other Dissenters. The Bill, in fact, asked their Lordships to reverse a decision of Lord Cottenham on the construction of the Statute of Charitable Uses in reference to property left to Roman Catholic charities. The Bill provided that if any property had been left to any Roman Catholic charity, which had been unquestioned for twenty-five years, it should be no longer open to question. Property which had been long in possession of Dissenters had been taken away under the old law. That was thought a great hardship, and in 1844 an Act was passed which confirmed the title to property which had been held by one body undisturbed for a certain number of years. The contest was between Trinitarians, who sought to recover endowments which had for a long time been enjoyed by Unitarians. But the question here was wholly different. Not a contest between two classes claiming the same subject, but a question of the abstract validity of gifts of property for certain religious and charitable purposes. It might be advisable to regulate Roman Catholic charities, but this was not the right mode of doing it. Where there was evidence of good faith, it was right to relieve trustees from responsibility, but this Bill gave legal validity to all their actions; that is to say, it gave legal validity to all applications of property to superstitious uses which had existed for the last quarter of a century. Besides, a Bill had already been sent up from the other House, for the purpose of benefiting Dissenters of all classes, by enlarging the provisions of the Act of George II. This would be applicable to Roman Catholics as well as Protestant Dissenters. It provided for the very same objects to which this Bill was addressed. He would suggest that the Bill should be referred to a Select Committee, and that the other Bill should be referred to the same Committee, not as approving of the latter Bill in any way, but simply that the Committee should see what was proposed to be done in regard to the relief of Dissenters generally from the provisions of the Act of George II.

The LORD CHANCELLOR said, that the Bill was by no means of a complicated character, and could be quite as well disposed of by the House as by a Select Committee. If the Bill were sent to a Select Committee, it would be necessary to refer the other Bill to the same Committee, and he could see no reason for any such reference. The object of the Bill was simple, and the whole of it was contained in four clauses. With regard to Roman Catholic charities, these were charities which had necessarily been conducted secretly and illegally. It could not be otherwise. The first clause removed certain doubts that had arisen, and the second gave time for putting these charities into a legal shape, which under the statute of George II. must be done within six months from the commencement of the trust. There were many charities of which all were illegal when they were created, but of which now some were legal and others illegal. For instance, a man might leave some money for schools and some for masses—part of this was legal and part illegal, and it was the object of the third clause to enable the courts to decide how much of this was legal and how much illegal. The last clause provided that when a Roman Catholic charity had been administered in a manner which was legal for other Dissenters, it should be legal also for Roman Catholics. They should not rip up old contests as to the terms of superstitious or not superstitious as applied to certain actions. There was the whole of the Bill, and it would be useless to refer such a Bill to a Select Committee. As to the other Bill to which the noble Lord referred, the two Bills might be united, but he thought that the Bill should be left in his hand.

LORD CAMOYS said, that as a Roman Catholic he believed it would be satisfactory to his co-religionists if the Bill were referred to a Select Committee.

THE DUKE OF NORFOLK, also, thought that the Bill should be referred to a Select Committee. It was kindly meant, but not acceptable in its present form. He had a number of Amendments to propose, and he believed other noble Lords intended to propose alterations. These could be much better considered up-stairs than in the whole House.

THE LORD CHANCELLOR said, that as such seemed to be the opinion of the Roman Catholic Peers he would consent to refer the Bill to a Select Committee.

Bill *reported*, without Amendment, and *referred* to a Select Committee.

The other Bill was read *pro formâ* a second time, and referred to the same Committee.

SOUND DUES BILL.

SECOND READING.

THE EARL OF CLARENDON: My Lords, in moving that your Lordships give a second reading to a Bill for carrying into effect a convention between Her Majesty's Government and the Government of Denmark, with regard to the Sound Dues, it will not be necessary for me to detain your Lordships at any length; but I think some observations are necessary for the information of your Lordships, in order to explain the circumstances which have led to the negotiations terminating in that convention. The Sound Dues, as your Lordships are aware, arose, and the right to collect them has been exercised, from that inherent right which every Sovereign Power possesses to impose taxes within its own territory and jurisdiction, and to impose duties on the commerce carried on within its dominions; a right which has been at all times acknowledged by all maritime nations, and has been recognised as a principle of international law for upwards of 300 years. The first treaty between England and Denmark on the subject of these dues was entered into in 1491. At that time the imposition of these dues was a matter of small moment; but as commerce increased the inconvenience of the tax became more and more felt, and therefore for many years past attempts have been made to get rid of it by means of a compromise. At the beginning of last year the Government of the United States gave notice to the Danish Government that they would not pay the tax any longer. In consequence of the announcement communications took place with the Governments of other countries interested in the question, and a conference was held at Copenhagen, when the Danish Government proposed to abolish the tax for a consideration of £3,890,000, to be apportioned among the different maritime States according to the average annual amount of tax they had paid. This led to a treaty, which was signed last March, by which it was agreed that the proportion of the British Government should be £1,125,000, in consideration of which British commerce was for the future to be exempt from the Sound Dues. The Danish Government also agreed that the transit duties over the Holstein Railway should be reduced by four-fifths. That was a matter of considerable discussion, because the Danish Government denied the right of other States to interfere with the management of the Holstein railways, which they considered to be simply a matter of internal regulation. The other States, however, contended that they were entitled to insist on a reduction of these dues, inasmuch as they had been imposed for the purpose of compelling goods to be carried by way of the Baltic, instead of by the railways, and so protecting the collection of the Sound Dues. The result was that the Danish Government consented to the reduction of the transit dues by four-fifths. The amount that English commerce paid annually for these Sound Dues was £75,000, but that was by no means the most serious part of the inconvenience and loss. A Committee of the House of Commons sat last year, and examined a great number of witnesses, amongst them Her Majesty's Minister at Copenhagen, who stated that between the desertion of crews, the delays caused to the shipping, and the necessary payment of heavy local charges, added to the dues themselves, the loss incurred by England was not compensated for by less than £200,000 a year. I intend to trouble your Lordships with a very short extract from the Report of the Committee of the House of Commons. The Report states:—

> "The Sound Dues, as they are levied at present, combine in them what is most objectionable in taxes that fall upon trade; they are unequal in their operation, and they occasion great loss of time, and much needless expenditure in the collection of a comparatively small revenue, and, as far as the cargoes are concerned, without professing to be raised for any service rendered in return, tend to impede and burden an important branch of trade. Under these circumstances your Committee have no hesitation in declaring that these dues are the cause of annoyance and injury to British commerce, and that they deem it highly desirable that they should be abolished. Your Committee think that the proposals made by the Danish Government to the Governments of the different States interested in the navigation and trade of the Baltic, among which Great Britain holds the first place, should receive immediate consideration, and become the foundation of a final and satisfactory settlement of the question."

I ought to add, that the proposals of the Danish Government are those that have been accepted, and accepted by twelve or thirteen States, all having a direct interest in the matter. There is every reason to believe, therefore, that the proposals of the Danish Government were fair and reasonable, and also the apportionment of the indemnity amongst the Powers upon whose commerce those charges fall. At all events, I believe the arrangement will be most beneficial to British shipping, which is more concerned in the trade of the Baltic than that of any other nation. It is right to mention that the United States Government, which first took the lead in opposing the payment of these dues, and gave notice that, after a certain time, they should pay them no longer, entered into a treaty in April last with the Government of Denmark, agreeing to the arrangement entered into, and to the apportionment of the indemnity which the other States agreed to pay; and nothing can be more honourable and straightforward than the conduct of that Government in the negotiations. The Sound Dues ceased and determined from the first day of April last, although, owing to the necessary delay which had taken place—for, of course, no money could be paid without the sanction of Parliament—the matter could not be considered as finally adjusted. The Danish Government, however, acting in a generous spirit, have levied no tolls and offered no impediment whatever to our commerce since the 1st of April in the present year. I have only one other fact of any importance to communicate to your Lordships. My right hon. Friend the Chancellor of the Exchequer has been in communication with the Danish *chargé d'affaires*, and from him received a statement that it is not the intention of the Danish Government to have any portion of the money remitted to Denmark, but that for purposes of their own the whole of it will be invested in this country.

Motion *agreed to.*

Bill read 2^a, and *committed* to a Committee of the Whole House on *Monday* next.

POLICE (SCOTLAND) BILL.

COMMITTEE.

House in Committee (according to order).

LORD PANMURE said, that this Bill was similar in principle to the Police Bill for England passed last Session. Some of the Scotch counties had a police force, but others had neglected to avail themselves of the opportunity, and the Bill enabled boroughs and districts to combine for the purpose of maintaining an efficient constabulary force. The Secretary of State would lay down rules as in England for the pay and clothing of the force, and the same proportion of one-fourth of the expenditure would be defrayed out of the public exchequer. A police committee was to be appointed in every county, and that committee would have the same powers in reference to the police as the justices of the peace in England. There was a clause in this Bill which was not in the English Bill, empowering police to be raised for the protection of great public works in course of construction. The Bill had been referred to a Select Committee of their Lordships, who had given valuable assistance in putting it into proper shape.

THE DUKE OF BUCCLEUCH considered that the Bill was of great importance to Scotland, where great inconvenience had been felt from the different systems which prevailed.

LORD CAMPBELL said, no doubt this was an excellent Bill, and that Scotland was very much indebted to his noble Friend for bringing it in. It was very creditable to the Scotch Peers and Members of Parliament that they met and laid their heads together and came to a sensible decision upon Scotch Bills before they came under discussion in Parliament. As they were in Committee, he might say he hoped that occasion would be taken either to abolish "rogue money" or to give it a more creditable name. He remembered, for example, that when a monument was erected to a most meritorious public servant, the balance that remained to be defrayed was paid out of "rogue money." Upon another occasion the dinner bill of some Commissioners was defrayed out of the same questionable source.

Amendments made; the Report thereof to be received on *Tuesday* next.

House adjourned at a Quarter past Seven o'clock, till To-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, July 2, 1857.

MINUTES.] PUBLIC BILLS.—2° Attornies and Solicitors (Colonial Courts); Summary Proceedings before Justices of the Peace; Municipal Corporations.
3° Inclosure Acts Amendment.

DUTY ON PAPER IN POTTERY MANUFACTURE—QUESTION.

MR. J. L. RICARDO said, he wished to ask the Chancellor of the Exchequer whether the Government will consider the question of granting a drawback of duty on paper in the Pottery Manufacture as in the case of the Jacquard Loom Cards?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I have communicated with the Commissioners of the Inland Revenue, and find that the reason for the drawback on the Jacquard Loom Cards does not apply to the paper used in the Pottery Manufacture. I cannot, therefore, recommend a drawback upon it.

MR. J. L. RICARDO: In consequence of the reply of the right hon. Gentleman, I beg to say that I shall call the attention of the House to the subject at the earliest opportunity.

NEW WRITS—RESOLUTIONS.

MR. T. DUNCOMBE said, he hoped that the House would permit him to move the Resolution of which he had given notice with respect to the issue of a New Writ in the case of a seat being declared vacant on the grounds of Bribery or Treating, and which was in the following terms—

> "That in all cases when the seat of any Member has been declared void by an Election Committee on the grounds of Bribery or Treating, no Motion for the issuing of a New Writ shall be made without seven days' previous notice being given in the Votes."

He thought it was desirable that the Resolution should pass at once, and without waiting till the Orders of the Day had been disposed of, because several Election Committees were now investigating charges of bribery and corruption preferred against several hon. Members, and would shortly make their Reports to the House. A similar Resolution (with the exception of the seven days' notice) was agreed to in the Session of 1847, and in that of 1853 a Resolution requiring, at the suggestion of the noble Lord the Member for the City of London (Lord J. Russell), seven days' notice was adopted with respect to the issuing of new writs. He (Mr. Duncombe) thought that he might claim as a matter of privilege to move the Resolution before the Orders of the Day were proceeded with.

MR. SPEAKER: I do not think the hon. Member is entitled to claim as a matter of privilege to introduce the Motion at this hour, and out of the due course of business. It is quite true that a Resolution similar to this has been passed in former times; and I do not speak as to the substance of the Resolution, which may be proper, but merely as to the Order of the House. The issue of a writ is a matter of privilege, because it is one of the duties of the House to see that its numbers are complete; but this Motion goes to suspend a privilege, and not to enforce one, and precedence cannot therefore be properly claimed for it. It ought, rather, to be made in due course, and with due notice. It is, therefore, entirely at the pleasure of the House whether this Motion shall be made at the present time.

MR. T. DUNCOMBE said, he did not claim it as a matter of privilege, but he thought that for the convenience of the House the Resolution should be passed, before any Member had by accident been unseated. The Parliament before last ordered that in all cases no Motion for the issue of a new writ should be made without due notice. The noble Lord the Member for London, last Session, introduced the words, "without seven days' notice," because previously notice was certainly given, but it was given the night before, and the consequence was that the House was often taken to a certain extent by surprise.

SIR JAMES GRAHAM said, he rose to order. He felt the importance of his hon. Friend's observation, that it was important the passing of the Resolution should not have a personal application; still, he thought, after the opinion given by Mr. Speaker, the Motion ought not to be pressed at the present time, especially in the absence of the noble Lord at the head of the Government.

THE CHANCELLOR OF THE EXCHEQUER said, that by the rules of the House, Orders of the Day had precedence over Motions, and therefore hon. Gentlemen seeing this notice in the paper would not expect its coming on early in the evening.

LORD JOHN RUSSELL said, he must admit that his hon. Friend the Member for Finsbury could not claim as a matter of privilege to propose his Resolution now, but he would beg the House to consider that if the order of their proceedings were strictly adhered to, they might get into very great difficulties, because the seat for a borough might be declared vacant on account of bribery, and then, without notice, a new writ might be moved for as a matter of privilege. The House would then be obliged to discuss that as a particular, and almost as a personal question. He would, therefore, suggest that the hon. Member for Finsbury should withdraw his Motion with the view of submitting it again at half-past four o'clock the next day, in order that the House might have full notice of its coming on.

MR. DISRAELI said, he regarded the question raised by the hon. Member for Finsbury as one of very great importance as regarded the conduct of public business in that House. His (Mr. Disraeli's) view of the matter was, that they should not deviate from the rules of the House without, at least, the advice and, as he thought, the sanction of the leader of the House—the person most responsible in cases of this kind. The rule which the hon. Member for Finsbury proposed was tantamount to a Standing Order of the House; and it would have been competent to him to have made his Motion when the Standing Orders were submitted to the House at the beginning of the present Session. However, as he had not done so, he (Mr. Disraeli) did not think that the House should go out of its ordinary course to change one of its rules in the absence of the noble Lord at the head of the Government.

MR. LABOUCHERE said, that by adopting the suggestion of the noble Lord, and taking the discussion to-morrow, all irregularity would be prevented. He should therefore propose, on the part of the Government, to take that course, and would afford his hon. Friend an opportunity for submitting his Resolution to-morrow.

Motion *postponed.*

EXAMINATIONS FOR THE DIPLOMATIC AND CONSULAR SERVICES—QUESTION.

MR. W. EWART said, he would beg to inquire of the First Lord of the Treasury, Whether the system of examination proposed for Candidates in the Diplomatic and Consular Services has been adopted, or is in course of adoption; and, whether there will be any objection to lay before Parliament a statement showing the nature and subjects of such examination?

THE CHANCELLOR OF THE EXCHEQUER said, that a correspondence between the Foreign Office and the Civil Service Commissioners, which was laid before Parliament and printed on the 8th of February, 1856, fully explained the nature and subjects of the examination proposed for candidates in the diplomatic and consular services. That correspondence was also reprinted in the first Report of the Civil Service Commissioners in 1856, and their second Report contained further information on the subject.

MR. W. EWART said, he understood there had been some alterations in the character of the examinations.

THE CHANCELLOR OF THE EXCHEQUER replied, that the information to which he referred was furnished from the Foreign Office, and he was not aware of any such alterations.

Order for Committee (of Supply) read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

EDUCATION IN THE ARMY.

OBSERVATIONS.

MR. WARREN: Sir, before I gave the notice which stands in the Votes in my name for this evening, I called the attention of the hon. Baronet the Under Secretary for War to the important subject-matter of that Motion, and at his request postponed the matter till this evening. I am happy to say that I have just received a communication from him of such a satisfactory nature, as will prevent my going into detail on a subject which involves, as every one knows, the stirring of very delicate and critical topics. I shall, therefore, content myself with reading so much of a General Order of His Royal Highness the Commander in Chief, dated the 19th June instant, as gave occasion to my notice. The Order to which I have referred was a General Order issued by his Royal Highness the Commander in Chief on the 19th June, directing—

> "That, for the future, every soldier, after being dismissed from drill, shall attend school as a duty, until he is reported upon as sufficiently advanced in reading, writing, and arithmetic. With the concurrence of the Secretary of State for War, no fees are to be required for this attendance at school."

The portion of the circular to which I am more particularly desirous of directing the notice of the House, is that which says, "that for the future every soldier after being dismissed from drill shall attend school as a duty, until he is reported upon as sufficiently advanced in reading, writing, and arithmetic!" Now, Sir, the spirit and object of the entire Order all must applaud, and I congratulate the country on his Royal Highness's enlightened anxiety and efforts to elevate the condition of our soldiers; but immediately on seeing this Order, it occurred to me that very grave difficulties would beset any attempt to carry into execution that portion of it to which I have called the attention of the House. I need not now specify them; but my views have since been greatly strengthened by communication with some of the most distinguished general officers in the service. I have always felt a great interest in military matters, and let few General Orders escape my notice, which must be my apology, if any be necessary, for having ventured to call the attention of the House to this General Order. I beg, therefore, simply to ask the hon. Baronet whether the consideration of the authorities at the War Office has been given to this General Order; and, if so, whether they are prepared to take any steps to rescind or vary it?

SIR JOHN RAMSDEN had to tender his thanks to the hon. and learned Member for Midhurst for the courteous manner in which he directed the notice of the authorities to this subject. The question was one of very great importance; and though the Government was advised that the particular instruction to which the hon. and learned Member referred as a portion of his Royal Highness the Commander in Chief's circular did not violate any principle of law, yet they thought that it would not be desirable—in fact, that it would be very objectionable—to act upon it. Consequently his Royal Highness had withdrawn the circular in question; and the particular passage to which the hon. and learned Member for Midhurst had pointed was modified by withdrawal of the words which required that attendance at schools should be part of a soldier's duty. Instead of those words, a passage was substituted which merely recommended the officers of regiments to give every encouragement to soldiers in availing themselves of those facilities for instruction which were now afforded in the British army. He trusted that this explanation would be satisfactory to the House.

THE STATUTE LAW COMMISSION.

ADDRESS MOVED FOR.

MR. LOCKE KING said, he rose to call attention to the large sums of public money which have been expended by the Criminal and Statute Law Commissions without the consolidation of any branch of the Criminal or Statute law, and to move that an humble Address be presented to Her Majesty, praying Her Majesty to dispense with the present Statute Law Commission. In the last Parliament he had brought forward several Motions having reference to those Commissions, upon which he had met with considerable support on both sides of the House. He would frankly confess that those Motions implied a censure upon the Statute Law Commission, but he thought it more satisfactory and straightforward now to submit a Resolution which would settle the point as to whether this Commission should or should not cease to exist altogether. Every one desired that the consolidation of the statute law should be proceeded with, and it might be thought strange that he should now propose to destroy the only machinery by which this was intended to be effected. He felt confident, however, that not only did the Commission, as at present constituted, accomplish no good whatever, but that it was productive of evil by pretending to do something, while it really effected nothing—that it was, in fact, a mere sham and delusion. There had been several of these Commissions, so that the people had no ground for complaining that that House had refused the supplies necessary for effecting an object so desirable. Far from that, the most lavish expenditure had been incurred, and, as he should show, no result whatever had been obtained. In 1806 a Commission had been appointed, and another in 1813, but he would confine himself to what had occurred in reference to this subject since 1833. In that year a Commission was appointed to digest the criminal law, and to inquire what could be done with the statute law generally, and they issued a series of blue-books down to 1845. No less than £37,000 had been expended by that Commission, and not a single Bill had been drawn by it. In 1845 another Commission was created to complete the work of its predecessor, and that Commission spent an additional £12,500, making a total of £49,500 expended by those two bodies. It was said that that last Commission had drawn one Bill which was once laid upon the table of the House of Lords, but it never passed into an Act. In addition to that sum of £49,500, he had found on moving for a Return of additional expenses that a further sum of £1,680 had been spent upon a variety of Bills which never passed, and he believed that they were the same Bills which the present Statute Law Commission had taken to itself the credit of having framed. In 1850 or 1851 the Commission of 1845 came to an end, for the simple reason, he believed, that all its Members had ceased to exist, or had been provided with other places, with the exception of Mr. Bellenden Ker, who had served as a Commissioner sixteen years, and who had received £10,400 of the public money without any result whatever. The next step in the order of events was the appointment of another Commission in 1853, the appointment of which was thus explained by the Lord Chancellor in proposing it:—

> "But I look further. I conceive there is no reason why this proposed step should not at some future time, some years hence, constitute the formation of that which I have always looked forward to as the most desirable, though heretofore I have feared to be unattainable—a Code Victoria."

At the head of that Commission was Mr. B. Ker and four members of the legal profession, were appointed as sub-commissioners to act with him. The Lord Chancellor's instructions to that body were very clear and satisfactory. They were—

> "To ascertain precisely the text of the Statute law, as it now exists, by determining what Statutes have been repealed (expressly or virtually), what have expired, and what have become obsolete or unnecessary in the present state of society. . . . . The text having been thus examined, a special and detailed Report should be made of all the repealed, expired, and obsolete Statutes. . . . . This Report will form the groundwork of a declaratory Bill to repeal or confirm such Statutes, to be introduced, if possible, at the end of the present Session."

That was the Session of 1853, but the Bill in question had never yet made its appearance. The new Commission set to work, and during the first year of its existence he must say it laboured hard. The expurgatory list was prepared, but it never had been revised; the sub-commissioners were all discharged, for what reason no one had yet explained, and Mr. Ker was left alone with his pupil, Mr. Brickdale, to constitute the Commission. Nothing of importance, however, took place till 1856, when a great event occurred. The Commissioners then discovered that all their previous work had been useless; instead of the Lord Chancellor's plan of preparing an expurgatory list, a new scheme was propounded, and it was determined that certain "bundles of statutes," as they had been termed by the present Chief Justice of the Common Pleas, should be selected for consolidation. The great event of the year, however, was, that the hon. and learned Member for East Suffolk (Sir F. Kelly) joined the Commission. The hon. and learned Gentleman made a very able speech in that House in moving for leave to introduce two Consolidation Bills. The House gave him leave to bring them in, but those Bills had never made their appearance. The hon. and learned Gentleman upon that occasion made a very extraordinary statement. He said, "You must leave the whole matter to me. If you do, I will undertake myself in eighteen months to consolidate the whole law of England." He (Mr. L. King) remembered that upon that occasion the present Mr. Baron Watson, who was then Member for Hull, said that if the hon. and learned Gentleman would only do in eighteen years half as much as he had promised to do in eighteen months, he would undertake to raise to his memory a column twice as high as that to the memory of the Duke of York in St. James's Park. He (Mr. L. King) knew not what progress the hon. and learned Member had made with his Consolidation Bills, but the eighteen months had long since elapsed, and not one had yet been laid upon the table. At the end of the Session of 1856 several Bills were hastily laid on the table of the House of Lords.

He was told that those Bills were sent over to Ireland, and that they came back with certain comments made upon them which showed that it was quite impossible that they could pass, and it was a fortunate thing that they had not passed upon the faith of that Commission. He was sure the House would agree with him that if the Statute Law Commission had been in earnest those Bills ought to have been revised during the autumn, and introduced again early in February, 1857. But that had not been done. The other day the same Bills were again laid upon the table of the House of Lords, but every one must see that it was impossible such Bills should pass when they were brought in at so late a period of the Session. There had been recently placed in the hands of hon. Members the third Report, as it was called, of the Statute Law Commission; but, in point of fact, it was the sixth Report, three Reports having been previously presented under the auspices of Mr. Bellenden Ker—three of these, however, were said to emanate from the Statute Law Board and three from the Statute Law Commission. If the Report lately issued had been the first instead of the sixth, he could readily believe all the promises that were made; but seeing that upon every occasion a fresh plan was propounded and fresh promises were made, he did not see how they could place any reliance upon it. Besides, the right hon. Gentleman opposite, the Member for the University of Dublin (Mr. Napier), last Session carried an Address to Her Majesty recommending the appointment of a Minister of Justice, and this appeared to him to be an additional reason for dispensing with the services of the Commission. He should not longer trespass upon the time of the House. He thought that he had made out his case, and he begged to move as an Amendment to the Motion, "that Mr. Speaker do now leave the Chair; that an humble Address be presented to Her Majesty, praying Her Majesty to dispense with the present Statute Law Commission."

MR. HADFIELD seconded the Amendment.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying Her Majesty to dispense with the present Statute Law Commission," instead thereof.

SIR FITZROY KELLY said, he did not complain of the hon. Gentleman for having brought this important subject under the consideration of the House. The hon. Gentleman might, perhaps, have chosen a more fitting and convenient occasion for the purpose; but he rejoiced at the opportunity which was at length afforded him of communicating to the House something at least of what had been attempted by others, as well as by the Statute Law Commission, and of what had been done by the Commission since it had been in existence under Her Majesty's authority. It was but justice to the Statute Law Commission that it should be made known to the House and to the country that this great work of the consolidation of the Statute Law, which for more than 250 years had baffled and defeated the efforts of the most eminent jurists and statesmen which this country had produced, was now, upon one simple uniform and comprehensive plan, actually begun, and in a course of practical and, he trusted, successful progress under that very Statute Law Commission which the hon. Gentleman had that night called on the House to censure, and upon the Crown to dissolve. He hoped to be pardoned for endeavouring briefly to explain the nature and extent of the undertaking, for not completely and successfully executing which, during the short time the Statute Law Commission had been in existence, the hon. and learned Gentleman charged them with incompetency and incapacity. That work was the consolidation of the Statute Law, which meant neither more nor less than converting the present Statute-book, consisting of forty folio volumes, and containing upwards of 40,000 statutes, into a short, comprehensive, and intelligible work of four, or little more than four volumes, containing what then would be the whole of the effective and operative law of England; not as at present scattered indiscriminately and in confusion through a large number of volumes without any arrangement, beginning with Magna Charta and ending with the last Act of the last Session of Victoria, but collected in a short and comprehensive form, containing a series of statutes, arranged and classified, the classes being again subdivided into single Acts of Parliament, each Act being on a single subject but embracing that entire subject, and all in a well-arranged and chronological order on one uniform and connected scheme. It was needless at the present moment to dilate on the multiplied evils to which this country, and especially the Legislature, was subjected by the present state of the statute law. He needed not to remind the House that in those forty volumes of statutes to which he had referred, the whole of the 40,000 statutes, besides nearly 50,000 local and personal Acts, were now to be found only according to the order in point of time in which they were passed, and named after the successive Sovereigns in whose reigns they were passed; and not only were all these statutes heaped together without any description, order, and arrangement, but there were a great number of single Acts and even single sections of Acts, embracing each in itself a variety of subjects entirely unconnected with each other. With all the aid to be obtained from indexes and text books no one could attempt to make himself master of any single subject without laborious investigation and making his way through the whole body of statute law. And even then he had to ascertain, as best he could, whether whole statutes or particular sections and clauses were repealed or still continued in force. Not merely the members of the legal profession, but magistrates and country gentlemen, who, for the better discharge of their duties, might desire to possess themselves of a copy of the Statute-book, must purchase the entire forty volumes, nine-tenths of the contents of which are repealed or otherwise superseded. But, independent of the evils felt by all classes from the present state of the statute law, its effect on the current legislation of the country was more mischievous than could well be imagined. One consequence was that no individual bringing in a Bill into that or the other House of Parliament could satisfactorily make himself master of the statute law as it existed in reference to the subject on which he proposed to legislate. It therefore often occurred that Bills, which had passed through Committee with every care, repealed over again statutes or statutory enactments which had been repealed before; but, what was infinitely worse, statutes which were not known to exist were passed by and disregarded, and new enactments which were made in Bills that received the sanction of Parliament were found afterwards to be utterly at variance with existing enactments. Hence arose a degree of confusion leading to an amount of litigation, which became a fearful and wide-spread evil, as in the cases of the Royal British Bank and the Tipperary Bank, in reference to which the courts were engaged in considering the effects of different Acts of Parliament, which were inconsistent with each other and contradictory. It had frequently been attempted by some of the most distinguished lawyers and statesmen to find an adequate remedy for these multiplied evils, and so long back as the reign of Queen Elizabeth the state of the Statute-book was considered by a Commission appointed by that Sovereign. Sir Nicholas Bacon, the Keeper of the Great Seal, was employed to make a Report on the subject to the Crown and to Parliament; but even in that early time, when the whole of the statute law was contained in some four or five small volumes, it was found, from the state of confusion, complication, and contradiction existing in the Statute-book, that the attempt to remedy the evil must be given up, and the most learned men and able lawyers of the day shrunk from the task in despair. The Statute Law Commission, appointed in 1835, and on which, as the hon. Gentleman stated, upwards of £30,000 had been expended, in their Report referred to some earlier Report of twenty or thirty years ago, and to a work on public records, in which the writer stated that the general revision of the statute law had often been recommended from the Throne, petitioned for by both Houses of Parliament, and engaged the attention of successive Committees; that it had been undertaken by individuals, sometimes with, and sometimes without the sanction of the Crown and Parliament, but never carried forward to any degree of maturity. It therefore appeared that Bacon, Hale, Somers, Hardwicke, Blackstone—all these great lawyers and statesmen—had in succession attempted this work of the consolidation of the statutes, and failed. Approaching our own times, Romilly, Tenterden, and Sir R. Peel, were found attempting much, and accomplishing something in the way of consolidation. The noble Lord the Member for the City of London (Lord J. Russell) and the right hon. Member for Carlisle (Sir J. Graham) with other hon. Members of that House; and in the other House of Parliament, the first and greatest of the law Reformers of the day—Lord Brougham, assisted and followed by Lord Lyndhurst, Lord St. Leonards, Lord Truro—and, though last not least, by the present Lord Chancellor Cranworth, had all directed their attention to this important subject. Numerous

Committees or Commissions had considered the question in 1806, in 1816, in 1829, in 1833, in 1839, and again in 1849; but, although these Commissions—which were attended with vast expense to the country, and which had all the aid that could be afforded to them by the great statesmen and lawyers of the day—had done something towards the consolidation of particular branches of the statute law, none of them had been able to devise a specific, intelligible, and uniform plan upon which this great work could ever be even commenced with the slightest prospect of success. He (Sir F. Kelly) now came to the proceedings of that Commission which the hon. Gentleman the Member for East Surrey (Mr. Locke King), had denounced, and would persuade the House to address the Crown to dissolve. Under the advice of the present Lord Chancellor, Her Majesty was pleased to appoint, in 1853, a Commission to inquire into this subject. He (Sir F. Kelly) would admit that that Commission had sat from 1853 to 1856, without being able to accomplish what the great and eminent personages he had mentioned had attempted, but attempted in vain; but he did not concur with the hon. Gentleman in the opinion that the Commission had done nothing, or that the country was not indebted to them for their services. He (Sir F. Kelly) could speak freely of the proceedings of the Commission from 1853 to 1856, because he had not the honour of being a member of that body until February, 1856, and he ventured to say that, during that short period of three years, the Commission had done more than had been accomplished by all other Commissions which had sat during the present century. The Commission of 1853, acting upon the plan suggested to them by the Lord Chancellor, and with the aid of the Lord Chancellor himself, devised, in the first instance, the preparation of an index to the statutes, distinguishing in that index the various Acts and portions of Acts of Parliament which had been repealed, either expressly or by implication, which had become obsolete from lapse of time and change of circumstance, which had expired, or which had, from any other cause, or in any other way, become inoperative. Gentlemen, members of the bar, were employed in what had been called the work of expurgation, and Mr. Anstey, formerly a Member of that House, with the assistance of Mr. Rogers, prepared a very elaborate index to a great portion of the statute law, which was laid before the Commissioners, and was now in use as a guide to those members of the bar who were engaged in the work of consolidation. Besides this, also, most of the active members of the Commission employed themselves in framing Consolidation Bills relating to particular branches of the law; some ten or a dozen Bills were produced, and were now in existence, and although they required certain alterations to adapt them to the plan which had been devised, and was in course of execution, they were monuments of the industry, learning, and great ability of all who were engaged in their preparation, first among whom we must name Mr. Bellenden Ker, a gentleman with whom, except professionally, he had not the honour of being acquainted until he met him upon the Statute Law Commission, and to whom he should be doing an injustice if he did not say that the distinguished diligence, learning, skill, and untiring energy and perseverance with which he had dedicated himself to the work entitled him to the thanks of the country. There were others, also, who had rendered great and valuable services in this work; but, although indexes were framed, Bills prepared, Reports made, and suggestions thrown out, it was not until last year that the Commission could agree upon one fixed specific and uniform plan for the consolidation of the whole statute law. He (Sir F. Kelly) thought, considering what the Commission had actually accomplished within the short space of four years, which exceeded in practical utility all that had been done by former Commissions, he might safely and confidently appeal to the House whether the censure which had been passed upon it by the hon. Gentleman (Mr. Locke King) was deserved or not. In 1856, however, it occurred to several members of the Commission that, although the Bills that had been prepared were of great use and importance, and afforded some guidance and assistance towards the consolidation of the Statute-book, it was evident, upon a consideration of the entire subject, that a consolidation of the statutes could never be efficiently effected until some plan was devised by which the forty volumes of statutes could be dealt with completely, in such a manner as to lay aside all repealed, obsolete, and inoperative statutes, selecting from the mass the statute law of the land which was in actual force and operation. It was suggested that the law should be divided into classes, and that those classes should be subdivided into single Bills or Acts of Parliament, each class comprising some definite branch of law, and each Bill or Act of Parliament comprising one entire subject. It was further suggested that, whereas the same words were used in ten, twenty, or thirty different senses in different Acts of Parliament, and sometimes even in the same Act, an endeavour should be made to adopt one uniform system of arrangement and phraseology, and that by the new statute-book, which would reduce the statute law from forty volumes to four, the *rudis indigestaque moles* now existing should be converted into a well-arranged system of statutes, expressed in clear, intelligible, and uniform phraseology. After much anxious and laborious investigation by the several members of the Statute Law Commission, after several reports from various members, and after full consideration of those reports, a scheme for the entire and complete consolidation of the whole statute law of the United Kingdom was determined upon, and as soon as this was determined upon, measures were taken for carrying it into effect. He (Sir F. Kelly) had now to inform the House what had been done since this plan was devised. At an early period of the last Session he (Sir F. Kelly) moved for leave to bring in one or two Consolidation Bills, and he then stated to the House—as well as he was able to do so before the scheme suggested had received the entire and final sanction of the Statute Law Commission — the plan upon which it was proposed to consolidate the Statutes. The hon. Gentleman (Mr. Locke King) was, however, mistaken in supposing that he had stated that the whole scheme would be carried into effect within eighteen months. What he said was, that, if the Government and the Crown would support the Statute Law Commission with the necessary funds and resources, and give their countenance and assistance to the plan which he then suggested, Bills for the consolidation of the whole statute law of the realm might be passed through both Houses of Parliament within three years. It was now fifteen months since he had made that statement, and he was prepared to repeat it with the greater confidence. A great number of Consolidation Bills were already drawn, and some of them had been laid upon the table of the House of Lords; and he was enabled to say very confidently that if the Statute Law Commission obtained the support of the Crown, of Ministers, and of both Houses, there was no reason to doubt that in some eighteen months or two years from this time the whole statute law of England—and he hoped he might add of Ireland and Scotland—would be completely consolidated, and those forty cumbrous volumes of undigested matter be reduced to four, upon the system he had described to the House. He wished to make a few observations with regard to the criminal Bills. It occurred to the members of the Statute Law Commission that, inasmuch as the criminal law, beginning as early as the reign of King John, and going down to our own times, was in a state of great confusion and encumbered with all the difficulties that beset the task of consolidation, it would be but fair to the House, the Crown and the country, if they were to begin with the criminal law; and if they found any difficulties attending the work which appeared insurmountable, that it would be becoming in them to state to the House that they had met with those impediments, and that the whole undertaking must be abandoned. But, on the other hand, if they found on going through the whole of the criminal statutes from Magna Charta downwards, that by patience, perseverance, and determined application these difficulties were not insuperable, they should be justified in stating that circumstance to the House; and if they were afterwards able to consolidate the whole criminal statute law of the realm, the same means by which that result had been attained might be applied to the consolidation of other branches of the statute law. Accordingly, during the last year, they proceeded to consolidate the whole of the criminal statute law. It was true, as the hon. Gentleman had said, the Bills they had prepared as the result of their labours were transmitted to Ireland, but when he said those Bills had been returned by the authorities there with observations showing the impracticability of the undertaking, the hon. Gentleman was labouring under a misapprehension. It was found, however, that the criminal statute law of Ireland differed so much from that of England that the two could not conveniently and at once be consolidated on the same plan, and the result had been that the task with reference to Ireland was now committed to persons perfectly competent to undertake it. There was no reason to doubt that as soon as it was determined by the proper authority, whether or not it was advisable, to propose to Parliament the repeal of such statutes as constituted a substantial difference between the law of England and that of Ireland, the consolidation of the criminal statute law of Ireland would be completed, as it was complete with respect to England. The dissolution of the late Parliament prevented the Bills being brought forward with the hope of being carried in the short Session which began within the present year, but they had now been laid on the table of the House of Lords by the Lord Chancellor with some improvements, so that they were now in a fair way of being brought under the consideration of both Houses of Parliament. The hon. Gentleman had said that he could point out many errors in this consolidation of the criminal law. He wished that the hon. Gentleman had stated the nature of those errors, so that those who had the charge of the Bills might know what they were. Those Bills had been prepared during an interval of three or four years by some of the most eminent criminal lawyers at the English bar; they had been then submitted to Mr. Greaves and himself, then to Lord Wensleydale, and the late Lord Chief Justice Jervis, and had undergone a complete revision at the hands of the Lord Chancellor. Consequently the Commissioners believed that they were, at least, as free from error as a work of that kind could be expected to be, considering the nature of the undertaking and the difficulties with which it was necessarily surrounded. He believed those criminal Bills were now in a state to be passed through the House of Lords, and that when they came before the House of Commons they would receive its sanction and pass into a law. But, besides those eight Criminal Law Bills, there were ten other Bills ready to be submitted to the House, on some of the most important subjects within the compass of the law, such as the Law of Patents, the Law of Aliens, and other subjects, which he would not stop to enumerate. These also had been prepared by barristers of eminence and ability and had undergone a similar scrutiny. There was also another class of Bills now under the consideration of Vice Chancellor Page Wood. They had, in fact, independent of the Criminal Law Bills, forty-six Bills, either completed or in such a state of preparation that they hoped to submit a great part of them to Parliament during the present Session. Such, then, were the labours of the Statute Law Commission, which the hon. Gentleman was so anxious to destroy. As to the question of expense, he thought he might say the whole of this great work might be completed at less than one-half the cost which had been expended on a single ineffectual Commission in other days. He submitted that, upon a consideration of the circumstances he had stated, the Statute Law Commissioners, so far from deserving the censure which had been cast upon them, might confidently appeal to Parliament and the country for their approval.

MR. WHITESIDE said, this discussion had come upon the House somewhat unexpectedly. The subject was one of great importance, and he was aware of the value due to any Commission which had the assistance of the industry, capacity, and knowledge of his hon. and learned Friend (Sir F. Kelly); but he was afraid that the discussion, so far as it had gone, only went to prove the necessity of their acting as soon as possible on the Resolution of the House by the creation of something like a Department of Justice, whose labours would meet with the confidence and approbation of the House. When the matter was last under discussion, the late Attorney General objected to the plan of the Statute Law Commissioners, because he wanted to have a codification with consolidation. The Lord Chancellor proposed consolidation without codification, and the present Attorney General argued in favour of a plan, which he illustrated by reference to the civil law. It was true that those who laboured under Justinian accomplished in three years what they had to perform in ten; but that was a charge which would never have to be imputed to any modern reformer. He (Mr. Whiteside) had been endeavouring to understand the proposition of his hon. and learned Friend with reference to imperial legislation; for if it were intended to have one set of statutes for England, another set for Ireland, and another set for Scotland, the original evil would, in his opinion, be magnified threefold. He should certainly oppose any proposition to have a separate set of Statutes on the same subject for England and for Ireland. Having received a copy of the Statutes on the criminal law, he carried the treasure to Ireland, and on the 30th of January put it into the hands of a gentleman perfectly familiar with the statute and criminal law, with a request to be told within what time it was possible to put the Bills, which contained literal copies of old Acts, into a shape whereby the law would be really consolidated, amended, and improved. The gentleman to whom he referred, thought it could be done by the 1st of April; but, as to the Bills themselves, pronounced an unfavourable criticism. The plan seemed to him to perpetuate the evils which it was intended to cure, and only to lay the foundation for future work by collecting Acts, which were scattered up and down the Statute-book. Under these circumstances, he (Mr. Whiteside) did not see there was much to be grateful to the Statute Law Commission for in the matter of expedition. The Lord Chancellor had said, that the Bills came back from Ireland an incongruous mass. He (Mr. Whiteside) did not know in what state they had been sent there; but he did know that there was no insuperable difficulty in consolidating the Irish Criminal Statute Law; and he, therefore, could never sanction a law which went to make separate sets of laws for the different parts of the same kingdom. It was a mistake to suppose that there was any insuperable difficulty in having the same law for England and for Ireland. He entirely denied that there was any great or broad difference between the criminal law of the two countries, and whatever difference there was, it might be easily adjusted. To make the same law apply to both countries was a comprehensive and imperial, while the opposite was a provincial and mistaken mode of proceeding. It was true that "conspiracy to murder" was a capital offence in Ireland and was not a capital offence in England. But why should that be so? The principle should be decided upon and the law made identical. It was understood that the Commissioners would take the criminal law first, then the law of real property, and then the mercantile law; but surely it was not intended to have a separate set of statutes as to real property and mercantile law for England and for Ireland. The Merchant Shipping Act, as a work of consolidation, was well done, and applied to the whole empire; and why should not the mercantile statute law be done in the same spirit and made to apply to the whole empire? He believed that when it came to be discussed, the House would be of opinion that it was better to have one code than three, and he should certainly oppose any other proposition.

Sir FITZROY KELLY explained that it was part of the plan, that the consolidation of the statute law should apply equally to England and Ireland, and that the reason why these Bills in the House of Lords only applied to England was, that it was left for future consideration, whether the points of difference in the law of the two countries should be permitted to remain or be extinguished; and he, therefore, hoped the hon. and learned Gentleman would give them his assistance when the Bills came before them in making them applicable to Ireland.

Mr. BAINES said, he could confirm in the most distinct manner the statement of his hon. and learned Friend that the Commissioners were most anxious to have no distinctions in the statute law of England and Ireland; though there were at present important differences in the law which existed in the two kingdoms, such as the Whiteboy Acts and other special statutes, which had no reference whatever to England. Indeed, one great object of the work in hand was to get rid of the differences that existed in the legislation for the several countries. The Motion before the House was for the discontinuance of the Statute Law Commission, and, in his opinion, that discontinuance at the present moment would be a great public misfortune. His hon. Friend the Member for East Surrey (Mr. Locke King) had referred to the unproductive labours of the Criminal Law Commission. He thought it only common justice to say that the Criminal Law Commission did a great deal of good. It consisted of the most eminent criminal lawyers, and they applied themselves diligently to the whole subject of the criminal law. They produced a series of the most valuable Reports, and although they did not propose any Bills which afterwards received the sanction of Parliament, every Bill on criminal subjects which had since passed had the suggestions of the Commissioners more or less incorporated in it. They took opinions upon various questions of criminal law upon which lawyers differed, they referred to the state of the law in other countries, they prepared a digest of the whole criminal law, and he thought it impossible to say that their labours had not produced great benefit. With regard to the Statute Law Commission, he believed there was now a prospect of their doing a great deal of good if their labours were not interrupted. What did Lord Brougham, a first-rate authority on this subject, say of the labours of this

Commission, of which the hon. Member for Surrey spoke so disparagingly? In the debate which took place about ten days ago in another place this distinguished law reformer declared that—

> "He entirely approved the course which had been taken by his noble and learned Friend (the Lord Chancellor). Great misrepresentations had been made with respect to the Statute Law Commission, and he was glad that his noble and learned Friend had described exactly what the Commissioners had done, and how far their labours of consolidation had proceeded. . . . The statement of the Lord Chancellor as to the value of the services of the Commissioners was by no means exaggerated, and if he were asked to mention one or two of the Commissioners who were more especially entitled to the thanks of the country, he would mention the names of Mr. Bellenden Ker, Mr. Coulson, and Sir Fitzroy Kelly."

Again, it was well known that other men, whose names carried the greatest weight, were rendering important services to the Commission. Lord Wensleydale regularly attended its proceedings, and Vice Chancellor Page Wood had also assisted in superintending many of the Bills drawn up under its direction, and so far from thinking the Commission of no use they were doing everything in their power to render its labours effectual. Seeing then the great advantage of their assistance, and the progress that had already been made in this work, no fewer than between forty and fifty Bills consolidating the law of this country on several most important subjects having either been introduced or brought to an advanced state of preparation, nothing could be more rash or injudicious than the course now recommended by the hon. Member for East Surrey. It was no doubt extremely desirable that the Resolution of the House of Commons should be carried out, and a Minister of Justice should be appointed, but until an ample opportunity had been afforded the Government for examining that question in all its bearings, and of considering the best mode of establishing another authority, to whom it might, perhaps, be found advisable to transfer the functions of the Statute Law Commissioners, he trusted the House would refuse to countenance any such Motion as that of the hon. Gentleman.

MR. NAPIER said, that he did not intend to prolong the discussion, but he wished to say a few words on the subject before the House. At the request of the Commissioners he had endeavoured to cooperate with them in regard to the improvement of the law of Ireland, and with that view he had, after consulting with other gentlemen in Ireland, given in a plan which was published in the Appendix to the Report. On finding, however, that his views were not adopted or his plan acted upon, he felt that he could do no good by further attendance on the Commission, and he therefore withdrew from it. While giving his hon. and learned Friend (Sir F. Kelly) every credit for his labours as a Commissioner, he nevertheless could not conscientiously say that he thought the Bills sent over to Ireland well adapted to the requirements of the case. In his opinion the plan that had been pursued could only end in public disappointment. It was impossible for a person so much engaged as his hon. and learned Friend in professional and Parliamentary duties to devote sufficient time to the due supervision of a work of this kind. No doubt they had many able persons anxious to carry out law reform, and who were collecting very valuable materials; but there was no one controlling mind to direct the whole. It was with this feeling that he had advocated the establishment of a Department of Justice, and he was happy to acknowledge the support he had received for this proposition from the noble Lord the Member for London. The object was not only to digest, amend, and consolidate the existing laws, but to keep our current legislation in harmony with the spirit of the times; and for this purpose they must have a responsible Minister with a separate department. The work of the Statute Law Commissioners would come properly under the surveillance of such a department. The Attorney General, he was bound to say, had directed his attention to the subject with great energy, and he (Mr. Napier) had given him every suggestion in his power. He (Mr. Napier) sincerely believed the plan would be fully considered; and he had reason to suppose that before long, a system would be constructed, under the auspices of the Attorney General, which would meet the Resolution of the House of Commons on the matter. If this were done, the working of the Statute Law Commission would come under the surveillance of that department, and the House might then reasonably calculate upon the result. In the hope that this would be speedily done, and that the labours of the Commission would be made useful, he (Mr. Napier) would recommend his hon. Friend the

Member for East Surrey to rest content with the valuable discussion he had elicited, and not to press his present Motion to a division.

The ATTORNEY GENERAL said, it was not his intention to prolong that discussion, but he thought the House would feel that a more unreasonable proposition than that they should cut down the tree at the very moment when it was about to bear fruit, could hardly be submitted to any assembly. Nothing could be more absurd than to expect, on a subject like this, that a plan should not only be matured, but practically executed in a short period, by a Commission which could not sit *de die in diem*, but was composed principally of legal functionaries, whose other important functions so fully occupied them that they had but little time left to dedicate to this part of their duties. There was no subject on which he felt more anxious, or on which he held himself more pledged, than with regard to the undertaking entered into by the Government to carry out the formation of a Department of Public Justice. He had prepared plans with considerable care for that object, great part of which were now undergoing examination by Her Majesty's Government. He hoped that the scheme would be sufficiently matured to be made public before the end of the Session, and this was an additional reason why the hon. Member for East Surrey ought to be content to withdraw, for the present, the application which he had made to the House.

LORD JOHN RUSSELL: I was surprized to hear the hon. and learned Attorney General designate the proposal of the hon. Member for East Surrey as eminently absurd. When my hon. Friend brought forward this subject last year, I thought that, upon the ground just stated by the Attorney General, it was quite fair to give the Government time to proceed with this Statute Law Commission; but when I went into the lobby to support them, I saw the Attorney General of that day, now the Chief Justice of the Common Pleas, go away from the division. He would not vote for the Government. Surely, then, there must be some ground for saying that the Commission is not very useful. I am still prepared to do what I did last year—namely, to give further time to the Government; but I think that the question is not in a very satisfactory position. I think that what the hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier) has said is quite just. It is very well to have a Commission which shall prepare a consolidation of the law, but unless you have some eminent person sitting in this House who can move the Consolidation Bills, show the reasons for the different clauses, and support them, there is very little use in having such Bills laid before Parliament. We are told now, that a set of Consolidation Bills has been laid before the other House of Parliament. That may be so, but the hon. and learned Member for East Suffolk must admit that, even if they pass through the other House, they cannot, at this period of the Session, come down to us in sufficient time to enable us to give them that consideration which would be necessary before we could venture to pass them. It appears to me that the use of these Commissioners is to enable persons holding the proper offices to take advantage of their learning and experience, with a view to the preparation and bringing before Parliament Bills for the amendment of the law. That was the course which I took in 1837 with regard to the amendment of the Criminal Law. When I had to propose Bills on that subject in that year, I collected the Criminal Law Commissioners at the Home Office, and sat with them several days, going through the different alterations which it was proposed to make. Part of those Bills, which made considerable alterations in the Criminal Law, are now, I believe, the law of the land. I must confess it strikes me that the Lord Chancellor has been rather premature in speaking of the speedy consolidation of the law, because, if you attempt to consolidate the law in its present state, you merely put together all that is to be found in the different statutes, and form a mere incongruous mass, as has been remarked with regard to the attempt to consolidate some part of the statute law of Ireland. You will find, with regard to breaches of trust and fraud, that there are various Acts of Parliament, and that those who drew them had different views of the guilt of different kinds of fraud, and, having different views with respect to the same frauds, they affixed different penalties to them, and different modes of conviction. If, therefore, you bring these Acts together, you will form not only an incongruous, but a very contradictory mass. I believe that the present is the time rather for amending than consolidating the law. The House of Lords has sent to us in the present Session two Bills, which I venture to say are founded upon very sound principles, and which, I trust, with some alterations, will pass into law. They are Bills upon two important subjects—one being on the subject of testamentary jurisdiction, and the other on that of divorce. Two more important subjects could hardly be touched by legislation. Those Bills, I believe, were framed, not by the Statute Law Commissioners, but by the Government, and by the House of Lords, under the guidance and advice of very able and learned men—Lord Lyndhurst, Lord Brougham, Lord St. Leonards, and others who have seats in that House. There are several other subjects, the laws on which will require very large amendments before you can proceed with their consolidation. If you attempt to consolidate the laws prematurely, you will re-enact a great many things that never ought to have been enacted at all. What you have to consider is, not how to consolidate, but how to amend. I agree with my right hon. Friend the Chancellor of the Duchy of Lancaster, that the question as to the appointment of a Minister of Justice should be maturely considered before you adopt any particular plan. But I am convinced that some such plan should be adopted, and that, unless you have persons besides the Lord Chancellor and those gentlemen whom the Attorney General described to be occupied in other matters, and who, therefore, cannot give the time necessary for sitting *de die in diem* to this matter, you can never properly proceed with the work of consolidation. But, if you have a person who is to give his best faculties and his time to the consideration of law reform, I believe you will see some good fruit, whether the Statute Law Commission continues its work or not. I do not know whether the hon. and learned Member for the University of Dublin will agree in what I am going to say. I very much fear that he will not. No doubt this Minister of Justice would be a considerable expense to the country: but I think we might save that expense by abolishing that useless office, the Lord Lieutenancy of Ireland. That is a matter on which the Government should have full time to deliberate, but I think the time has come when such reform might be made, and I hope that a Minister of Justice will be appointed. I cannot vote for the abolition of the Statute Law Commission, but I must say that I think my hon. Friend the Member for East Surrey had very good grounds for asking what was the use of that Commission?

Motion *negatived.*

PUBLIC OFFICES.

OBSERVATIONS.

MR. BERESFORD HOPE: Sir, I rise for the purpose of occupying the time and attention of the House for a few moments, while I make a few observations upon the award of the judges who were appointed to take into consideration the merits of the many plans sent in for the construction of the new public offices, as well as upon some of the peculiarities of those plans themselves. The want of such offices had been admitted for a long time past, and had been much complained of by the public from time to time, until at length the Government admitted the fact by coming to the determination that suitable offices should be built. But although it was a matter long talked of, it cannot be said to have been very prominently forced upon the attention of the Government until within the last two years, and it is only very recently that active steps have been taken in reference to it, by inviting competition from all nations for tenders for the undertaking. The result of that invitation we have all seen in the specifications and drawings that have been sent in; so that it may be said that we have now arrived at that stage of progress in the undertaking, when it becomes imperatively necessary to pause, and weigh well and maturely and deliberately the next step, ere it be too late; for once the final step be taken, the Government may find themselves plunged headlong into an undertaking, the vastness of which it is scarce possible to comprehend, and which must necessarily entail upon the country for many years to come, a most enormous expenditure of the public money. I believe that all, or nearly all, the public newspapers in this kingdom have given publicity to the result of the deliberations of the judges, and have sent forth to the world, the award they have made; at least I saw it in several of the newspapers published yesterday. Now, it is no part of my object to find fault with that award, and I had no intention whatever of doing so when I rose to address the House on this subject; on the contrary, I am of opinion that the judges have shown that they well deserve the high opinion entertained of them by the public for their distinguished abilities, and I am convinced that this House and the public at large will agree with me, that these gentlemen have most ably and conscientiously discharged the very onerous, difficult, and delicate duty they had undertaken. It is, therefore, not without considerable regret, that I feel compelled to say, that although those gentlemen have evinced the exercise of no inconsiderable amount of taste, as well as skill, capacity and strict impartiality; yet, as a matter of taste, that I do not entirely concur with them. But, if I have the misfortune to differ from those gentlemen upon that head, it can only be attributed to the fact that a great deal too much haste has been evinced in the manner in which the final proceeding has been hurried forward, to the many difficulties which this precipitation throws in the way of their coming to conclusions which they expected would prove satisfactory to the House and to the public, as well as to the many competitors who had sent in plans and drawings. Her Majesty's Government are deserving of much credit for the course they have adopted in throwing open the tenders to foreign competitors, a course which has resulted in the judges having awarded one of the principal prizes to a Frenchman, a fact which speaks volumes for the honesty and impartiality of the judges, and must satisfy our neighbours that they can have justice and impartiality from English gentlemen, who can duly appreciate real merit and talent, come from what quarter of the world it may. But now with regard to the details of the manner in which it has been proposed to have these buildings disposed. It has been seen that the determination come to is, that these extensive public offices are to consist of various large blocks of buildings, each block to be separate and distinct in itself; and for this purpose, three different sets of prizes in the first place were proposed, for the Foreign Office, the War Office, and the general block plan. Now, I should like to know upon what grounds that determination has been arrived at. I am at a loss to understand it, inasmuch as it will have the effect of preventing the buildings being built upon one uniform plan, and thus, there will be no such thing as uniformity or harmony of plan or design. In order to illustrate, this I will call the attention of the House to the first prize, for the building proposed to be occupied as the Foreign Office, and also to that for the War Office, both of which, I assume, are to be erected according to the dispositions of that block plan which has received the first prize in its department. This block plan emanated from a Frenchman, and he being a Frenchman, naturally enough, was desirous of introducing the internal plan of the Tuilleries and Louvre, which, as we all know, is an oblong court, crossed in its breadth by one of the main thoroughfares of Paris. He has, therefore, ingeniously planned a similar oblong court, extending from St. James's Park to the River Thames, while Parliament Street, as a street, disappears in this plan, and is reproduced merely as a line of way across. This is a bold and ingenious design, and perhaps under the limited conditions of the competition, it was the best that could be adopted. But when I come to the other designs, I find that their architects have fallen upon a common-place conception; namely, square masses of building, preserving more or less existing lines of street, and with nothing like the great court-yard embraced by the Louvre. Now, how are these masses of building to be accommodated to the block plan? Are the three architects to be turned into a Commission, something like that we have just heard of, though not with a Bellenden Ker at its head, in order to consolidate their designs? Who is to be the judge on this subject? The great mistake is not in deciding too soon upon rebuilding the public offices, but in commencing in a hurry the execution of this scheme. Our architects were called into the competition, not to work upon preconceived ideas, but to give ideas to their employers. The settlement of the block plan ought to have been a matter of the most mature consideration, and the highest architectural and engineering talent throughout the country ought to have been brought to bear upon it before it was decided upon. Instead of this, the matter was referred to a Committee of this House, on whose Report alone a particular block of houses was fixed upon as the absolute area within which the public offices were to be circumscribed. Three distinct schedules of prizes were then propounded, and it is a remarkable fact, that though most of the competitors went into the competition for all three branches—block plan, Foreign Office, and War Office—yet, in no single instance, has one man carried off more than one prize. The gentleman who has been declared by the judges to be the successful competitor for the War

Office, sent in a design also for the Foreign Office; and it is somewhat curious to observe, that those two designs closely resembled each other; and yet when his design for the Foreign Office was compared with that of the gentleman who has been declared the successful candidate, the latter carried away the prize so successfully, that the design of the former gentleman for the Foreign Office was "nowhere." In fact, with respect to those two designs from the same individual, they may well be compared to the Siamese twins, having undergone the operation of being dissevered. In the case, again, of one of the minor prizes for the War Office, that prize was carried away by a gentleman, whose elevation for the Foreign Office, though absolutely related with the other, was rejected. Hence will arise many of the peculiarities and complexities which are sure to be found attached to such a complicated competition, although thrown open to the talent and genius of foreign nations. Now, with all these facts before us, I think the House will agree with me, that there ought to have been either a commission or a preliminary competition, at which the block plans should have been arranged; information ought to have been sought from architects, engineers, and amateurs, at home and abroad; a great imperial plan ought to have been insisted upon, and every advantage ought to have been taken of an opportunity which may never again recur. When all the conditions had been arranged, then one range of buildings should have been decided on all massed together under a single roof. There ought to have been one competition for all the public offices, while the successful design might have been carried out as the funds were forthcoming and opportunities presented themselves, and so we should have been released from the complication which must occur before long in respect to the difference between the block plan and those for the offices. Another mistake has been committed, which will prevent the complete success of this great undertaking. We are in possession of perhaps the most magnificent range of park land which any city in the world could boast of within its limits. There may be finer parks at Vienna and elsewhere; but for extent of sylvan scenery and exercise ground, and for amount of pure air in the heart of the metropolis, London is unequalled. Beginning with Kensington Gardens, you come next to Hyde Park; the open ground is resumed at the Green Park; the Palace-gardens may, as regards the fresh air they afford, be included, and then the range terminates with St. James's Park. Well then, following up this line of route, this last-named park brings you within, I may say, a few yards of the Thames. Then we arrive at a point which, under any other circumstances, would afford a grand and most varied and beautiful perspective following the course of the river, just at that curve in its course which gives on one side the fullest view of St. Paul's, as well as the countless spires of the city churches, and on the other of Westminster Abbey and the new Houses of Parliament. But all this splendid perspective is utterly lost from the extensive masses of those most squalid, wretched, and tottering buildings which offend the eye in the vicinity of St. James's Park. It would be extremely desirable that all this lumber should be removed, and that the park should be continued down to the river side, and that thus an improvement worthy of the age — worthy of this great and wealthy metropolis and of the country should be effected. And what, let me ask, is to prevent it? There is at present a Bill on the table providing for the purchase by the nation of this very block of houses, but it is proposed to devote the land on which they stand, not to the improvements I have mentioned, but to the rebuilding of the public offices, which, if finished, will for ever shut out the Thames from the parks. Why should this House give its sanction to such a proceeding as that? Is there no plot of ground now unoccupied on which these offices could be planted? I believe there is. The Parade behind the Horse Guards is a spot for which probably no one would claim any particular beauty or utility. I say, then, that if the Parade and the Horse Guards, and the Admiralty, were taken down, there might be laid out with little difficulty a piece of ground approximating to eight acres in area, 750 feet in length, and 400 in width, on which the whole offices might be reared. They would stand in that position isolated and magnificent, and then the site of the block of houses I have spoken of could be appropriated as garden-ground that would stretch to the water side. Into this of course would be thrown the garden opposite Palace Yard and the Abbey Yard, and thus there would be an open space of something like twenty-four acres, bounded on one side by the river, while isolated in the middle would stand the public offices, and further to the north the new National Gallery. If, however, these offices are built where the Government proposes, they will cut off everything from everything for ever. The parks will never reach the water side, the new National Gallery will be intercepted from the Houses of Parliament, the public offices will be crowded in, and the proposed embankment of the Thames will be deprived of what would be its noblest establishment. I am sorry to see that the competitors were limited in their plans to buildings of three stories. This height is, I know, in favour with speculative builders in the streets ramblingly distributed by them over new districts, but men of taste have learnt to discard it in their private houses; and yet it is to be perpetuated in what ought to be the most magnificent building of the age. I have already said that the present is an opportunity which may never occur again, and therefore I entreat of the House to bear in mind that important fact, and not to lose sight of it; for, once lost, it never can again be taken advantage of. Now is the time for the House to decide, whether this shall or shall not involve and decide the question of the future architectural beauty and magnificence of London—whether our parks shall be made the marvel of the world, the most magnificent specimens of landscape gardening ever known, or whether they shall remain patchy and blotchy, and cut off from the noble river which on one side might bound them. But I may perhaps be met by the argument of *cui bono*,—I may be asked, "Why do all this? I meet that by asking the House, Will it sacrifice such an opportunity as now is offered of making these vast and magnificent improvements in this part of the metropolis, and rush hastily and headlong into the adoption of plans and suggestions which have been as hastily acted upon up to a certain point, and which are in themselves exceedingly crude and ill-digested. I pray for a little consideration, a little pause, and I am satisfied that all the good results naturally to be anticipated by the competition which was a noble idea in itself, may be realized. With respect to the style, I will only say that it would be a vast pity if regard were not had to unity of design with Westminster Abbey and the Palace of Westminster. I am aware that the Gothic style is not very popular at present in this House, on account of the expense which has attended the construction of the building inwhich we are now assembled; but much of that expense is attributable to the selection of an impure style of Gothic architecture, and to the absence of a proper system of contracts, especially in the earlier stages of the work, as the right hon. Gentleman at the head of the Public Works pointed out the other night. In conclusion, then, I again entreat the House to pause while there is yet time, and consider this question well, ere the too common error be fallen into, of mistaking outward ornament and mere tinsel, for real architectural grace and beauty, and therefore I do trust that the House will not come to any final conclusion upon the site and the style of architecture of these new and vast public offices, until the whole subject has been more fully and maturely discussed.

Sir BENJAMIN HALL said that, having received the Report of the judges on Monday evening, he had presented it on Tuesday to the House, and he thought that it would have been better if his hon. Friend had deferred his observations until that Report, which was now in the printer's hands, had been circulated among hon. Members. When the scheme of a competition was first devised a number of architects and other gentlemen waited upon and requested that he would name a mixed Commission to decide upon the designs, and he determined, therefore, with the consent of the Government, that the Commission should consist of seven gentlemen—one Member of the House of Peers, one Member of the House of Commons, Viscount Eversley, so long Speaker of the House of Commons, and four gentlemen connected with scientific societies. The judges who were selected were the Duke of Buccleuch, from the House of Lords; Mr. Stirling, the hon. Member for Perthshire, from the House of Commons; Viscount Eversley, the late Speaker; Earl Stanhope, the President of the Society of British Antiquaries; Mr. Brunel, as the representative of the civil engineers; Mr. David Roberts, of the Royal Academy; and Mr. Burn, to represent the architects; and he had never heard a single objection raised to the composition of that tribunal. In consequence of pressing business the Duke of Buccleuch was obliged to leave London for Scotland, and was unable to attend after the first meeting, and they all knew the sad event which had prevented Viscount Eversley from attending of late; but he had received a letter from his noble Friend, in which he stated that he entirely concurred in the selection which had been made of the block plan, and of the designs for the War Office and for the Foreign Department. So far as the first prizes were concerned; and he was happy to state that the other judges had been unanimous in all the designs which they had subsequently selected. He would now state the course which he proposed to take in reference to those designs. A great number of models had been sent in for the Wellington Monument—already fifty had been received from British artists, and nearly forty from foreign artists. He proposed, as soon as those models could be set up, that they should be exhibited in the interior of Westminster-hall, and that on the existing hoarding should be affixed the designs which had been selected for the block plan, for the War Department, and for the Foreign Office. It would be very inexpedient to come to any conclusion as to the relative merits of those plans until the House and the public had had an opportunity of inspecting and considering them. He was aware that his hon. Friend took a different view, perhaps a more intelligent view, than he (Sir Benjamin Hall), considering the duties of his office, could venture to submit to Parliament. He agreed with his hon. Friend that, if all the intervening buildings between the Park and the Thames were removed, one of the most splendid sites in the world would be obtained; but, looking at the House of Commons, and at the vote come to the other night, he did not think that he should meet with much success if he were to propose such a scheme as that, which would add at least £1,000,000 or £1,500,000 to the plan already contemplated. He had therefore contented himself with taking a very small proportion of the ground proposed to be taken by his hon. Friend, and he hoped that there would be no objection to that; at all events, that which he would propose would not only be part of an ultimate whole, and would not interfere with the plan for throwing open the view to the Thames. If it should be the pleasure of the House that there should be two new offices erected, as there really ought to be, for the benefit of the public service—namely, one for the War Office, and another for the Foreign Office; and if they should not disapprove the plans which had been selected by the judges, he would endeavour during the recess to make the plans as perfect as possible with regard to the interior arrangements. He would have drawings prepared in conformity with those interior alterations, he would have the quantities also taken out, and he would place the drawings and the quantities in the hands of a limited number of the most eminent builders in the kingdom. Tenders would then be sent in, and he hoped that he should be able to state to Parliament what would be the entire ultimate cost of those erections. Indeed, if those preliminary steps were taken, he saw no reason why a person in his position should not be able to give something like a guarantee to the House that the buildings should be completed for a sum named, with such trifling addition for contingencies, as was always allowed. That was the course which he proposed to pursue, and he hoped that it would meet with the approval of the House.

MR. LINDSAY was anxious to ask the Secretary for the Treasury when the Vote for harbours of refuge (No. 1) would be proceeded with? He had expected it to be proposed to-night, and he now found that other Votes stood for consideration.

MR. WILSON said, that the first Vote which would be considered was in connection with the British Museum. If time permitted, the Vote to which the hon. Member referred would come on in the course of the night.

MR. BRISCOE said, that he would suggest that in addition to the drawings about to be exhibited, there should also be models of the proposed new buildings made to a certain scale. The public would thus be better enabled to judge of the nature and correctness of the designs which had been approved.

MR. BAILLIE observed, that the right hon. Baronet had not stated the intentions of the Government with respect to the site of Westminster-bridge, and the alterations to be made in conformity with some general plan.

SIR BENJAMIN HALL said, that what he stated some time ago was that, after receiving the award of the judges on the plans for public offices, he would take into consideration what should be done with Westminster-bridge. He had only received the award little more than forty-eight hours ago, and therefore he could not yet state positively what should be done with respect to the matters referred to by the hon. Member, but he hoped to be able to do so before long.

MR. MANGLES said, he wished to say a few words on a subject cognate with that which had been brought under the consideration of the House. The hon. Member for Maidstone (Mr. B. Hope) had spoken with great ability on the importance of throwing open the Thames to the park. No doubt that was very desirable, if it could be done, but before the Thames could be thrown open to the park with any advantage, comfort, or decency, they must first purify it. It was impossible, in his opinion, for any man to speak in terms sufficiently strong of the abominations by which the river was at present polluted. The Thames might be made a great object of beauty in the metropolis; while it certainly was a great highway, an enormous amount of traffic passing daily along it between the city and the west end; and he had been in the habit of going to and from the city in steamboats. He should do so no longer, for in the present state of the Thames it was impossible for any man who had any regard for his comfort or nose, or for his health, to be upon the river. He was satisfied that its condition must be injurious to the public health. He came up it the other day—it was a hot day—and the river emitted throughout its whole course, and not merely where the drains ran into it, a most abominable stench, which was so much increased, as the steamboat ploughed up the water, as to become quite unsupportable. He had made up his mind never to travel in that way again. During the hot weather last year the hon. Member for Richmond (Mr. Rich) was made seriously ill by one single voyage between Westminster and the city. It was a scandal that this magnificent river should be converted into an open sewer, poisoning the health of the population. If the cholera were to visit the shores of the Thames the most serious results must be apprehended, and he therefore thought that no amount of expense ought to be spared to restore the Thames to its pristine purity, and he earnestly hoped that his right hon. Friend the Chief Commissioner of Works would take the earliest and most effective measures for the attainment of that important object.

SIR JOHN SHELLEY remarked, that he thought it well that public attention had been called to this subject. He was anxious to know how soon the plans submitted by the Metropolitan Board of Works to the right hon. Gentleman opposite (Sir Benjamin Hall) would be returned, and the Board enabled to proceed with the purification of the Thames.

SIR ERSKINE PERRY said, that public attention had long been anxiously directed to this subject, and it would be very satisfactory to know what was being done with the designs for the improvement of the river. He entirely concurred in the observations which had just fallen from the hon. Gentleman respecting the state of the Thames.

SIR BENJAMIN HALL said, under the Metropolis Act of 1855 the Metropolitan Board of Works were diverting the sewerage from the Thames, and might, if they pleased, intercept sewers on each side of the river. They were bound to submit the plans to the First Commissioner of Works for his approval. He had received those plans at the close of last year, and referred them to three eminent engineers, Captain Galton, Mr. Simpson, and Mr. Blackwell, one of whom he saw a few days ago, and was told that they had gone thoroughly into the case, and hoped to be able to submit the plans to him in a fortnight, with such alterations as they deemed necessary. As soon as he received them, he should forward them with the Report to the Metropolitan Board of Works, and perhaps it might be convenient that a copy of that Report should be laid on the table of the House, in order that the House might see how the Act of 1855 was likely to be carried out, and what the great scheme was which was submitted to the Government by the three Commissioners.

MR. BENTINCK said, he must complain that the House was not earlier in possession of the way in which the Government proposed to move the Estimates.

LORD ELCHO said, that his hon. Friend the Member for Maidstone (Mr. Beresford Hope) had suggested what should be done in the way of improvement on the Westminster side of the river, and he begged to suggest something in the way of improvement on the other side. Every one must admit that the buildings opposite the New Palace at Westminster were most unsightly, and, as a new bridge was to be built, he suggested that an endeavour should be made by the Government to obtain possession of those buildings on the opposite side of the river, for the ground there would become exceedingly valuable when the Westminster side was thoroughly improved. If a good class of houses were built there by the Government, they might be found an excellent speculation, and serve to pay part of the expenses of the buildings on the Westminster side.

Sir BENJAMIN HALL inquired where the money to purchase the buildings was to come from.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

SUPPLY—MISCELLANEOUS ESTIMATES.

House in Committee. Mr. FitzRoy in the Chair.

(1.) £46,400 British Museum Establishment.

Lord JOHN RUSSELL said, that in compliance with the annual practice, he came forward, as one of the trustees of the British Museum, to submit this Vote to the Committee. The sum now required for the Museum was £46,400, which, added to the Vote of last Session, would make the total expenditure this year amount to £66,400, being an increase of £6,400 on the sum voted for the same purpose last year. He could, if necessary, point out the various items in which the increase took place, but he thought the Committee would be satisfied if he merely called attention to the different heads of expenditure; on the first head, "salaries," there was an increase of £4,380; on the second, "house expenses," there was an increase of £600. On the third head, "purchase and acquisition," the increase was £4,690; under the head of printing catalogues the increase was only £50. On the fourth head, "bookbinding, cabinets," &c., there was a decrease, £3,165; and a decrease of £100 in the miscellaneous charges, making the net increase £6,400, as he had stated. The great increase in the item of salaries was owing to the increase of the Museum and the opening of the New Reading Room. The Committee was aware, that some time back, after much discussion and consideration, a sum of £150,000 was voted for the purpose of increasing the space for the library, and giving sufficient room to students; in pursuance of that Vote a building of great beauty and magnificence had been erected; the dome exceeded that of St. Peter's in diameter by one foot. A matter, however, of even more importance than its beauty was the great amount of convenience it afforded, and he thought it would be found most commodious by all persons frequenting the library for purposes of study and literary research. It contained tables, along which ample space was allotted to 300 persons, and on the shelves around it were arranged 800,000 volumes. Those shelves were altogether not less than twenty-five miles in length. Upwards of 10,000 volumes had been added to the library last year, and up to the present period of this year 3,000 more volumes had been received under the Copyright Act than during the corresponding portion of the year preceding. The Committee would see, therefore, that the money which was now asked for, was asked for to keep up a library which was at present one of the most considerable in Europe; and he believed that for purposes of study it was superior to any in the world. Great additions had also been made of late years to the collections in the Museum, in the shape of objects in Natural History, and Assyrian, Greek, and Roman Antiquities. A question had been raised as to whether so many different objects ought to be deposited in one building. That was not, however, a point which the trustees of the Museum had to decide. Their business was merely to see that the general management of the establishment was properly conducted, and to see that the collections entrusted to their care were as accessible as possible; and as it appeared that 360,000 persons during the past year had visited the Museum while a considerable number had attended the reading rooms, he thought that these facts showed that it must have been productive of much pleasure and instruction to the public. There was another question with which the trustees had nothing to do, but which had frequently been discussed; and that was, whether the Museum should be opened on the Sundays. That was a matter which the House only could decide; and last year they had by a great majority resolved that it should not be opened on those days. The trustees had, therefore, only to see that that Resolution was carried into effect. He should also state, that the Museum was very much increased by the additions which were gratuitously made to it from time to time. The late Sir William Temple, for instance, our ambassador at Naples, and a man of great taste and intelligence, had left to the Museum a large mass of Greek and Roman antiquities, which he had peculiar facilities of collecting. Some complaints were put forward last year, that the subordinate officers of the Museum were not paid as well as persons holding similar situations in other public and private establishments. The trustees had, in consequence, asked the Lords of the Treasury, to send certain gentlemen to the Museum to inquire into that subject. Those gentlemen had made that inquiry, and would, he believed, before long make their Report, and as soon as it should have been produced, the House would be made acquainted with the steps which it might be proposed should be taken in the matter. For the present the trustees felt compelled to pay the officers of the establishment at the rates which had hitherto prevailed. He believed that he need not trespass any further on the time of the Committee; but if any explanation should be required of him with respect to matters of detail, he should be ready to afford hon. Members all the information in his power. In conclusion, he had to move the adoption of the Vote.

Mr. W. WILLIAMS said that he found every year large balances to the credit of the Museum, and he wished to know whether those balances remained in the Exchequer or whether they were drawn out and placed in the hands of a private banker. He wished also to call attention to a complaint which was made of the number of days—only three—upon which the Museum was open during the week. For his own part, he considered that it might be kept open five days, and for a longer time during each day. The people paid a large sum towards this establishment, and greater facilities ought to be given to them to visit it.

Mr. BRYDGES WILLYAMS said, that he observed an item of £5,000 for gilding the dome of the new reading room. Now, he considered that that was an unnecessary piece of expenditure, and he should take the sense of the Committee upon it.

Mr. MONCKTON MILNES said, he would admit that great accommodation was now afforded to students, but unless something more was done a large number of persons would be deprived of the benefits of the institution, as there were many persons of high distinction in literature who could not bring themselves to study in a public room. Under the former arrangement no accommodation was provided for such persons, but he hoped that the trustees would now take such steps as would afford the requisite conveniences for at least a small number of these persons; in every foreign country these conveniences were provided. He had still to complain that no arrangements were made for lending out books at this or any other of our public libraries.

Mr. JOHN LOCKE said, it would be recollected that he had on a previous evening called the attention of the House, when a discussion had been going on with regard to the new building at Brompton, to the fact that the working classes of the Metropolis justly complained of being deprived of any facility for visiting the British Museum or National Gallery in consequence of Sunday being their only day for recreation, and those buildings being closed on that day. On that occasion the right hon. Member for Hertford (Mr. Cowper) stated that the convenience of the working classes had been consulted to some extent in the case of the Brompton exhibition, inasmuch as the public had access to it during three evenings of the week. He (Mr. Locke) did not see why the rule adopted with regard to the Brompton exhibition should not be applied to the British Museum. Objections had been made to opening the library of the Museum in the evening, but there could be no doubt if that department of the institution were accessible in the evening it would be visited by thousands who had now no opportunity of availing themselves of the contents of the library. Indeed, under the existing regulations, almost the only class to whom the library was useful were persons engaged in literary occupations, who were able to spend their time there during the day. He saw no reason, however, why the collections of sculpture, mineralogy, and the other general departments of the Museum should not be opened to the public on certain evenings during the week. But if this alone were done it would be no great boon to open it to the working classes when they were exhausted by the toils of the day. To give them the full benefit of the institution, he thought that the Museum might with great propriety be opened on Sunday after the hours of divine service. It had been said that if this course were adopted the attendance of many of the officers of the Museum would be necessary on Sunday; but he had been informed by a gentleman engaged in the Museum that if the institution were opened on Sunday it would not be necessary to employ more than twenty of the servants, and this, it must be remembered, only after the hours of divine service. At present the only national establishments accessible to the poorer classes on Sunday were Hampton Court Palace and Kew Gardens. Those places, in consequence of their distance from London, could not be reached without some expense, and a great number of persons were necessarily employed on the railway and steamboats to facilitate the conveyance of visitors. He (Mr. Locke) believed that if the British Museum and the National Gallery were opened on Sundays the result would be to reduce the number of visitors to Hampton Court and Kew, and to lead to the diminution of Sunday labour by enabling the railway and steamboat companies to dispense with the services of many of their servants who were now employed on that day. He had considered it to be his duty to bring this matter before the Committee in the presence of the noble Lord the Member for London, who had moved the Estimate, and he felt quite sure that, if the noble Lord would take it into his consideration, and would arrive at the conclusion he had pointed out, a great step in advance would be made.

MR. CHILD said, he had always voted against the opening of the British Museum on Sundays, and would continue to do so, but he would urge the Trustees to render the institution accessible to the working classes on some week day evenings. In the county he represented (Staffordshire) an exhibition of works of art and science which had been opened in the evening had been visited by 25,000 persons, principally of the working classes, and, much to their credit, no mischief had been done to any of the objects exhibited. He would also suggest that the prints, etchings, and drawings in the Museum, which were now kept in portfolios and could only be inspected by special order, should be rendered more accessible to the public. In the Louvre the drawings of ancient masters were framed, glazed, and exhibited in a suite of apartments devoted to the purpose; and he thought that, with a view to the improvement of the popular taste, the Trustees of the British Museum should exhibit to the public the valuable collection of prints and drawings in their possession. If room could not be found in the Museum, he did not see why that portion of the National Gallery, which was at present occupied by the Royal Academy, should not be devoted to the purpose. He was informed that there were, in the mineralogical department of the British Museum many duplicate specimens which, he would suggest, might with great advantage be lent to provincial scientific institutions.

SIR JOHN TRELAWNY observed, that if the Museum were opened on Sundays, he would recommend the trustees to engage as attendants on that day members of the Jewish persuasion. This arrangement would enable them to overcome one of the difficulties which presented itself. He thought it ought to be opened on week-day evenings, and also after the hours of divine service on Sundays. Why could not the Museum be opened on week-day evenings between the hours of eight and ten, when the working classes would have an opportunity of visiting the institution?

MR. BAXTER asked, whether it might not be possible to open the Museum to the public on Saturday afternoons. Some hon. Gentlemen did not seem to be aware that last year the House of Commons, by an overwhelming majority—something like six to one—determined that the British Museum should not be opened on Sunday. If any hon. Members were desirous that that decision should be reversed, the proper course, in his opinion, would be to bring forward a specific Motion on the subject, and then the views of the new House of Commons on this very important question might be ascertained. He thought, however, that the present was not a fitting occasion for the discussion of a question in which the nation took so deep an interest.

MR. STEUART said, that he was decidedly in favour of the working classes having a fair opportunity on week days to view works of art, and he believed that if people laboured only fifty-five instead of sixty hours in the week, and occupied the remaining five hours in contemplating the works of art and nature stored in our national collections, they would feel the benefit of such a course during the whole of their working hours: without going into the theological arguments, therefore, he should oppose any proposition which, by opening the British Museum on Sunday, was likely to check the movement in favour of a Saturday half-holiday, which was going on in the metropolis and other large towns.

SIR HARRY VERNEY said, he could see no reason why the British Museum should not be opened at least five days in the week. With respect to the Sunday, he entertained a strong opinion that it was one of the greatest blessings to the working population of this country that Sunday was entirely consecrated. He was quite satisfied that those who had the interest of the working classes most deeply at heart were most anxious carefully to preserve for them that blessing of a hallowed Sunday which scarcely any other country in the world possessed.

Mr. INGRAM observed, that a great deal had been said about opening the British Museum upon Sundays, but for his part he should like first to see it open every day in the week. Granting that it required time for cleaning, he thought that the building need not be entirely closed for that, as the public might be admitted to one part while the other was closed, which, as it took considerably more than one day to view, would form a matter of very little importance; and he would say the same of the National Gallery. He thought, also, that if the designs of models now being exhibited in Westminster Hall were shown in the British Museum, it would form an additional attraction, while at the same time it would relieve the former building, and thus obviate the inconvenience they all had experienced of late.

Mr. JOHN LOCKE remarked, that he would remind the House that it would be quite time enough to discuss the question of Saturday half-holidays when they found the employers willing to pay a whole day's wage for half a day's work. At present the workman in many instances considered it an absolute injury to him, reducing as it did his scanty earnings. With regard to the desecration of the Sabbath, that was a question upon which many different opinions prevailed, and it was past his comprehension how the contemplation of all the wonders of nature and art in the British Museum on a Sunday could be deemed a desecration of the Sabbath. The Nineveh marbles alone afforded a better commentary on that book which they all revered, than many a written one he had seen or heard read. He certainly thought religion would be benefited by permitting the people to visit such places on a Sunday. He would remind the House that Saturday was the Sabbath, and not Sunday; and for his part, when he spoke of the Sabbath, he spoke as a Christian, and not as a Jew.

Sir HENRY VERNEY observed, that he considered it would be introducing the thin end of the wedge for the establishment of Sunday labour, and if ever that was established, workmen would not get one farthing more for working seven days a week than they now did for six.

Mr. HARRIS said, that he also should be glad to see the Museum opened on weekday evenings. With reference to the question of opening it on Sundays, he thought that was one of national interest; for if it were opened on that day he saw no reason why the public should not be also admitted to all other institutions of a similar character, both in London and the provinces. There was, however, a deep national feeling for the religious observance of that day, and he was sure that the people of this country would never consent to the public money being given to these institutions if they were opened on Sundays. This, moreover, was a subject of too great importance to be discussed on a Vote of the kind then before the House, and whenever the question came forward in a proper manner he should record his vote against it.

Mr. STEUART said, that in reply to the observations of the hon. Member for Southwark (Mr. Locke) he would observe that the grants for general education and for education in the fine arts, which had been increasing from year to year, were based on the principle that skilled labour was more valuable that unskilled; and it was, therefore, his belief that if the working classes got a half-holiday on Saturday their skill would, in consequence of the education which they would thus be able to obtain, be so much increased that they would soon be as well paid for fifty-five hours per week as they now were for sixty.

Lord JOHN RUSSELL said, he rose to reply to the questions which had been put to him. The hon. Member for Lambeth (Mr. W. Williams) had asked how it was that there were every year such large balances to the credit of the Museum, and whether these balances were placed in the hands of its banker. The answer was that these balances were always left in the Bank of England, where the Museum had a separate account; and they were necessary, in order to enable the trustees to continue their current payments during the interval which elapsed between the end of the financial year and the time when the Votes of that House were agreed to. These balances, however, were not more than was generally required for that purpose. Several hon. Gentlemen had advocated the opening of the Museum on days and times when it now was not open. Let him, before replying to those hon. Gentlemen, state when it was open. The Museum was open to every one on Mondays, Wednesdays, and Fridays, and to artists and those who wished to study and make copies of works of art, on Thursdays and Saturdays. During the summer months it was also open to the public on Saturday afternoons. The reading-room was open to persons having orders of admission from ten till five o'clock in winter, and from nine till six in summer. When it was proposed to open the Museum an additional number of hours and days they had to consider the convenience and utility of the Museum to various persons who went there for different purposes. After the discussion which took place on this subject in that House last year he (Lord John Russell), being then one of the junior trustees of the Museum, placed before the Standing Committee the proposals which had been urged with regard to the days on which the trustees might on their own authority open the institution to the public. But they were of opinion that if the Museum were open to the public on Tuesdays and Thursdays considerable inconvenience would result to persons who were in the habit of attending it for the study of art. He desired also that the opinion of the officers of the Museum connected with the art department might be taken upon that point, and they likewise coincided with the trustees. The trustees then considered the proposition made last year by the hon. and learned Member for Sheffield (Mr. Roebuck), that the Museum should be open in the evenings; but they were of opinion that there would be such great danger of fire to the contents of the building, which were so extremely valuable, from such an arrangement, that they did not feel themselves justified in acceding to it. And with respect to the number of days on which it should be open, he must express the great doubts which he felt, whether the persons who were unable to visit the Museum on a Monday, Wednesday, or Friday, could find the means to do so on any other weekday. Then came the question which had been opened in the course of this discussion—namely, as to the opening of the Museum on Sundays. With regard to which, the trustees felt that, after the decision of the House last Session, they had no right to entertain it. He was not going to give any opinion on that subject at present. It was quite competent to any hon. Member to introduce the question, but if it was to be regularly decided, it must, he thought, be upon a separate Motion. He was entirely satisfied with the reasons given by his noble Friend the First Lord of the Treasury last year against the opening of the British Museum on Sunday. He voted as a Member of that House against its being opened on that day; but the question might be again considered by the House when any hon. Member chose to bring it forward. Then his hon. Friend the Member for Pontefract (Mr. Milnes) thought it very hard that persons who wished to study privately at the Museum should not have separate rooms and accommodation expressly provided for them. But his hon. Friend would see that it would be extremely difficult for the trustees or the principal librarian to decide who the persons were who ought to be admitted to such a privilege. There were certainly persons in this country and in this metropolis of great literary fame; but he could understand that if the trustees attempted to draw a line the persons immediately below that line would consider themselves very much aggrieved. He (Lord John Russell) admitted it was an inconvenience to exclude persons from the benefit of private study; but if the general rule was left as it was at present at the Museum, that no such facility should be granted, the trustees would give less cause of offence to the great body of literary men frequenting the institution than by drawing an invidious distinction such as had been suggested by his hon. Friend the Member for Pontefract. With regard to the gilded dome, he must observe the trustees were not responsible for it. When the suggestion was made by certain persons, the architect was first consulted, before the gilding was undertaken, and he gave it as his opinion that it would be a great improvement, and would materially enhance the beauty of the building. But before the expense was incurred he (Lord John Russell) advised that the architect should go to the Treasury and consult the authorities there upon the subject. He did not think it was a question for the trustees. The Treasury listened to the representation of the architect, and certainly the result had been very much to heighten the effects of the structure. Whether they had not gone to an excess in that respect, so as to make the beauty of the building too much an object of interest to persons who resorted there for the purposes of study, was a different question, on which some doubt might be entertained; but all those who had seen the new reading-room must have been convinced, not only that it was extremely handsome, but also extremely convenient and commodious, and great credit was due, in connection with it, in the first place, to Mr. Panizzi, the principal librarian, who was the first to suggest the erection of a building on so magnificent a scale; next, to Mr. Smirke, the architect, who formed the design; and, in the third place, to Messrs. Baker and Fielder, the contractors, who carried out the design and executed the details. He would only add that it was the wish of the trustees generally—amongst whom was now included the right hon. Gentleman the Member for Cambridge University (Mr. Walpole) and who paid great attention to this subject—to make this great national institution as useful as they could in every respect to the public. There was certainly the difficulty with respect to the working classes; but he hoped in some way or other they might have the advantage of seeing the building; for if the trustees could make the institution more accessible to that class of the population they would have the opportunity of studying the works of the Creator and of art with which it was stored, with, it was to be hoped, the happiest results to themselves.

Colonel SYKES said, he wished to remind the Committee that a great public institution like this was supported out of the taxation of the country, and intended to aid in cultivating the minds of the great mass of the people. While, therefore, he concurred in the opinion that every public institution should be open to the greatest extent on week days, he was at the same time of opinion with other hon. Gentlemen who had addressed the Committee that the Sabbath should be set apart for other duties. With regard to the alleged danger of lighting up such a building at night so as to make it accessible to the working classes after the hours of labour, he confessed he saw no cause for apprehension on that score, provided the edifice was lighted from the roof, on the same principle on which the House in which they were assembled was lighted. It was very desirable, he thought, that foreigners and persons who came up from the country should be able to obtain admission at all times.

Vote *agreed to*, as were also the following Votes.

Lord John Russell

(2.) £29,314, New Buildings and Fittings.

(3.) £944, Purchase of Objects for the Museum.

(4.) Motion made, and Question proposed, "That a sum, not exceeding £23,165, be granted to Her Majesty, to defray the Expenses of the National Gallery, including the purchase of Pictures, to the 31st day of March 1858."

Lord ELCHO said, when this grant was under discussion in the last Parliament, exception was taken to the appointment of a secretary and of a travelling agent. He now wished to call the attention of the Committee to the same subject. Last year a Member of the House moved that the Estimate be reduced by the amount of the travelling agent's salary and his travelling expenses, which amounted together to about £1,000. A Committee of that House, which sat in 1853, recommended the appointment of a director, and that he should receive a handsome salary, but they made no such recommendation with regard to the appointment of a secretary. But now the House of Commons was asked to vote £750 for the salary of a secretary—a very excessive sum considering the duties. With a thoroughly efficient director a secretary could not have much to do beyond answering the letters about current business and the purchase of pictures, and attending the meetings of the trustees, and certainly £750 was rather an extravagant salary for this. It might be said by the Secretary for the Treasury that he had a great deal to do, that he had arranged the Turner pictures, for instance. So he had, but Mr. Ruskin, who took as great an interest in Turner as any man, had offered to perform that duty gratuitously, and no doubt he would have done it quite as well. The Secretary for the Treasury would also say that he had to compile a catalogue, but that could not be very hard work, inasmuch as previous to the new constitution a catalogue was in existence, drawn up by this same gentleman, and the purchases made since were comparatively trifling. Mr. Murray, or Mr. Longman, or any other publisher for £750 down would engage to get up as good a catalogue as any one could want. Considering how long the clerks in the public offices had to work before they got £750 a year—twenty or twenty-five years on an average—and considering how many of our hard-working clergymen were living on salaries far less—this was rather too much to pay for a secretary, and he should move to reduce the Vote to what he thought a very ample amount, namely, £500. Next came the Vote for the travelling agent. This, too, was an appointment not recommended by the Committee, and which had taken the House rather by surprise. It was discussed last year, and an attempt was made to get rid of it, but the proposition was rejected, and he then pledged himself to renew the discussion this year. This travelling agent was appointed at the instance of the director, who was most anxious about him, and, in fact, made his appointment an *ultimatum*, without the concession of which he would not accept office himself. He expressed great confidence in this gentleman's judgment; but at the same time great diffidence, it was said, in his own. The appointment, he contended, was vicious in theory, and had worked ill in practice. In the first place, he did not see how they could expect to get a trustworthy and efficient man to fill that office for £300 a year; and in the next place, it perpetuated, to a certain extent, the system of divided responsibility, while the endeavour ought to be in all these institutions to get one responsible officer. Under the old constitution there were trustees and a keeper equivalent to a director. They did not go well together, and if mistakes were made the trustees threw the blame upon the keeper, and the keeper, in his turn, threw the blame on the trustees; so in the same way now the responsibility was divided between the travelling agent and the director. Having been, in the course of the last winter, in that part of Italy which the travelling agent and the director had been exploring, he had heard, though he could not vouch for the truth of the statement, of one or two instances in which this divided responsibility had led to works, which would have been a great ornament to the gallery, not being purchased. If he asked why such and such a picture was not purchased, the answer was, "Oh, the director wanted it, and the travelling agent didn't want it," or *vice versâ*. They might, however, judge of the system by what had been actually done. Last year there was a great deal of discussion about the purchase of a Paul Veronese. That picture cost £1,977, and he had seen something about it in the *Official Gazette* of Venice, which might be presumed to be good authority, which would, perhaps, enable the Committee to form some idea of the judgment shown in that purchase. This picture came out of a church which was being restored; all the pictures were taken down, and permission was obtained from the Pope to dispose of them for the benefit of the church. The curate of the church rendered an account of what had become of these pictures, and he stated that—

> "After the complete restoration of the ancient temple of Pope St. Sylvester, some of the paintings which had decorated its walls had remained out of use since 1837, and among them was a Paul Veronese representing the 'Adoration of the Magi.' They were appraised by a commission appointed by the Royal Academy of Venice, and the value set on them was 11,300 Austrian livres, or about £400, and out of this sum the Paul Veronese alone was valued at 10,000 Austrian livres, or £370."

And this was the picture for which the travelling agent and the director had thought themselves justified in giving £1,977. That £370 was the full value of the picture was pretty clear from the high price which, as everybody who had been in Italy knew, the Italians, and particularly the Venetians, were in the habit of setting on their pictures. And the picture itself, so far from being in a fine state, had been much repainted. It was, in fact, what was called a "ruined picture," and £66 was paid for its restoration to one of those professors who pretended to restore but invariably destroyed. It was well known by those who took an interest in these matters that the destructions by time, damp, and neglect were as nothing when compared with the destructions of these restorers. The hon. Member for Brighton (Mr. Coningham), writing on the restorations going on in our own gallery, said, "These harpies of restorers always fly at the face;" but the harpies in this country were animals not nearly so savage in their propensities as those abroad; and, indeed, to do justice to those who had charge of our gallery, he was bound to say that the pictures in the galleries abroad were in a very much worse state than those in our gallery. This purchase was a disgrace to the walls of the National Gallery, and he would engage that if it were put up at Christie's auction-room it would not fetch £200. No doubt, good purchases had been made; he admitted that. For instance, the Perugino which had been bought was one of the most beautiful pictures which he had ever seen. That there was a good ground for the outcry which was made against these gentlemen was shown by the fact that whenever they made a good purchase not a word was said against them. Nobody complained of the purchase of the Perugino. Everybody, on the contrary, was delighted. "Have you been to the gallery to see the new Perugino?" was in everybody's mouth; and certainly it was a beautiful picture. So that it was really not from a disposition to cavil at the proceedings of these gentlemen that complaints were made, but simply from a feeling that the public money had been wasted. This year the director and travelling agent had bought another Paul Veronese, for which they had given £13,650. The reading which he put on this purchase was this:—Having made a desperate mistake with their Paul Veronese last year they determined this year to buy a Veronese at which nobody could grumble. There was a Paul Veronese at the Pisani Palace which had a great celebrity, and that they determined to have. The sum, however, which they had given for it was perfectly absurd. Paul Veronese was a beautiful painter, who flourished towards the decline of the Venetian school; but, after all, he was only a decorative painter; what people most admired of his were those beautiful ceilings at the Ducal Palace and the altar-pieces in the churches at Venice. He did not inspire the same sublime emotions as Raffaelle's pictures. So that the country was paying this enormous sum for a second-rate specimen (for it was by no means a first-rate specimen of Paul Veronese) of a second-rate artist. He did not deny that there might not be a better specimen in Italy, but whether it was a first, second, or third-rate specimen it was perfectly absured to give that price for a Veronese. Had it been a Raffaelle he should have had nothing to say. To show the opinion of the House on this purchase, and to teach the directors and the travelling agent to be more careful for the future, he should be very glad if some gentleman would move that the sum of £5,000, which the committee were called on to repay to the civil contingencies, should be refused, for it had all gone in this purchase. £10,000 was annually granted for the purchase of pictures, and the directors, having gone over their mark, were obliged to borrow £5,000 from the civil contingencies. To show that it had all gone on this picture he would read a few extracts from a letter of a well-known gentleman, Mr. Morris Moore [*a laugh.*] He saw a smile on several gentlemen's faces at this name—caused, no doubt, by the recollection of his correspondence with Lord Bloomfield—but, without attempting to justify that gentleman's conduct at Berlin, he would say that there was no man in England who was a better judge of pictures, or more conversant with their condition or market value. Having been in Venice for three months, and made inquiries on the subject, he could vouch for the accuracy of every statement in Mr. Moore's letter. The following was the account Mr. Moore gave of the way the money went:—

"The money given to Count Pisani was £12,360; banking commission to Mr. Valentine at ½ per cent, £70. Commissions on the pictures—1, Signor Enrico Dubois, banker (son-in-law of Pisani), £62 10*s.*; 2, Carlo Dubois (banker), £62 10*s.*; 3, Caterino Zen, Pisani's steward, £300; 4, Pietro Dezan, 2nd idem, £271 10*s.*; 5, Dr. Monterumici, lawyer, £271 10*s.*; 6, Paolo Fabris, restorer, £200; 7, Giuseppe Conurato, Pisani's valet, £12; 8, Caterina Rini, camereira (chambermaid), £10."

He did not think that dear.

"9, Pietro Galberti, gondoliere, £6; 10, Angelini Comini, idem, £6; 11, Riccardo de Sandre, cook, £6; 12, Pietro Dorigo, porter, £6; 13, Angela Dorigo, porter's wife, £6."

He begged to read an extract from the Report of the director, Sir C. Eastlake, which would be found in the printed estimate. Sir C. Eastlake said:—

"This picture, according to family traditions and the united testimony of the historians of art, was painted by Paul Veronese for the ancestor of the present Count Pisani. According to Boschini vast sums were offered for it two centuries since, and within the last thirty years Sovereigns, public bodies, and opulent individuals have in vain endeavoured to secure it. D'Argenville states, on the authority of the Procurator Pisani of his time (the first half of the last century), that Paul Veronese, having been detained by some accident at the villa of the Pisani (at Este), painted and deposited there this work, informing the family after his departure, 'that he had left wherewithal to pay for the cost of his visit.' If this story be true the great painter has now munificently redeemed his word."

He was disposed to think, not that the painter, but that the English director had munificently, or rather wastefully and foolishly, redeemed the painter's word at the expense of the public. When in Venice, the *laquais de place* came in one morning and said he had such a story to tell about the Paul Veronese picture. Mr. Mündler was in a state bordering on distraction. It had been arranged that the money was to be paid without any documents being signed as to the authenticity of the painting. When Conte Pisani sold the picture he would not part with the frame. It seemed absurd, but the secret had come out. There was at the villa at Este another picture by Paul Veronese, precisely the same in subject and in size, which would fit the frame Conte Pisani had kept. Mr. Mündler, never having heard of another picture, was naturally in a state of alarm as to which was the original, and he and the restorers were about to undertake a pilgrimage to the villa in order to ascertain the fact. Up to the present hour he was unaware of the result of that visit, though no doubt the Secretary of the Treasury would be able to give them a satisfactory explanation. He did not propose to reduce the Vote by the amount of travelling expenses, which were estimated at £600. He thought there must be some travelling expenses, but he did not think there was any necessity for a travelling agent. The director ought to be his own travelling agent. The period for purchasing pictures was during the London season. The sales at Christie's, Phillips's, and Foster's commenced in February and ended in June, and at those sales the best pictures were to be bought. No one had a finer collection than his hon. Friend the Member for Brighton (Mr. Coningham), and he believed he was correct in stating that a majority of those pictures had been bought in London. But, as the object was to get a collection worthy of the nation, it was desirable that the director should also seek pictures elsewhere. During the dead season of the year—during the winter—the director should travel in Italy—and he could not imagine a more pleasing occupation than travelling at the public expense in that beautiful and classic country—in search of pictures. The director could establish in every town in Italy a local agency, and by giving a commission would obtain information of every picture which was offered for sale. In that manner he thought the business would be better done, even if it cost us as much upon the whole. Mr. Mündler, by going about Italy, had spoiled the market. Wherever he went he was known as the agent of the English Government for the purchase of pictures; prices rose a hundred-fold, and it was stated the Austrian Government had on this account issued instructions to the mayors of towns, heads of convents, and priests of churches, where fine works of art were to be found, forbidding them to give him admission. A far more effectual mode would be for the director himself to travel, and therefore he did not propose to reduce the vote by the travelling expenses, which the nation would cordially pay, although £600 a year was somewhat high, and it might possibly be that it was given to compensate for the lowness of the salary. He thought it his duty to bring the subject before the attention of the Committee, and he believed that if his suggestions were adopted there would be a better chance of their getting good pictures. He therefore moved that the Vote be reduced from £23,165 to £22,615—being less the amount of the travelling agent's salary and the reduction of the secretary's salary from £700 to £500 a year. He would rather some other hon. Gentleman would move the reduction of the £5,000 to be repaid to the civil contingencies, as some hon. Members might be willing to vote for his reduction and not for that reduction, and it was therefore better to keep the two propositions distinct. There was one point which he had omitted to mention. Last year an Act was passed, empowering the directors to sell pictures and to remove them to other places. They had sold some pictures, which he believed were very bad ones, and they had likewise transferred some to Ireland. He did not know whether the Irish Members would approve of their National Gallery being made the refuge for the rejected pictures of the National Gallery of this country. If the pictures were good they should be kept for the National Gallery, and if they were bad they should not be sent to Ireland or anywhere else.

Motion made, and Question proposed, "That a sum, not exceeding £22,615, be granted to Her Majesty, to defray the Expenses of the National Gallery, including the purchase of Pictures, to the 31st day of March 1858."

Mr. COX said, he would not, like the noble Lord, "hint a fault, and hesitate dislike," but would go to the very bottom of the whole matter, for the statement of the noble Lord revealed such a gross system of jobbery, that he would not only refuse the £5,591 paid from civil contingencies, but the whole £10,000 asked for the current year. He followed the noble Lord in his opposition to the salary of the Secretary; for he thought £750 was too much, and £500 quite sufficient for that official; but he knew that, according to the rule of the House, if he were to vote for the noble Lord's Motion, it would be impossible for him to submit the Motion which he himself wished to make. When a proposal was made in Committee for a reduction in the Estimates, it was not permitted to any hon. Member to move that a lower sum be reduced, therefore he would go the extreme depths, and leave it to others to rise to the top time after time as they chose to do so. He objected also to the travelling agent, and on that point would support the noble Lord, but he could not agree with him in allowing the travelling expenses. The noble Lord admitted that paintings could be more advantageously purchased in London than anywhere else. He (Mr. Cox) was a mere Goth in such matters. He knew nothing of pictures, but the noble Lord did, and he said the best place to purchase pictures was in the auction room of Christie. For the very reason, therefore, that the noble Lord had given, he objected to the £650 for travelling expenses, as there could be no necessity for going to the Continent to get pictures. With regard to the picture to which the noble Lord last referred, the letter from which he read stated that the Government had obtained, not the original, but only a copy of that picture.

Lord ELCHO said, his impression of the letter was, that it did not say the picture at the Villa d'Este was the original; nor did he. All he said was, that Mr. Mündler had gone in a state of desperation to see the picture, but that to this hour he had never heard what conclusion he had arrived at.

Mr. COX said, he had been distinctly told that the picture was not an original, but a copy, and that we had left the frame behind for the original to be put in. Was it not disgraceful that £12,000 should have been paid by this country for such a picture? Then, there were those extraordinary items paid by the purchaser to butlers, and cooks, and chambermaids. Why should he give £10 to a chambermaid? And, not satisfied with that, he must give £6 to a cook, and £6 to the cook's wife. When he saw this item, it puzzled him very much; for he could not conceive what a culinary professor could have to do with the sale of a picture; but it occurred to him that there was a goose to be cooked, and that, therefore, this sum was paid for cooking the British goose. Such extravagance as this was positively disgraceful. It was not often that independent Members were able to hit a blot like this; but he believed there were many such blots in the Estimates, if they could just get at all the facts connected with them. He should move that the Vote be reduced to £4,974.

Motion made, and Question proposed, "That a sum, not exceeding £4,964, be granted to Her Majesty, to defray the Expenses of the National Gallery, including the purchase of Pictures, to the 31st day of March, 1858."

Mr. WILSON said, he hoped the Committee would not be led away by the statement of his noble Friend (Lord Elcho) or of the hon. Gentleman who last spoke, for he believed he would be able to show by a faithful history of the transaction to which they had referred, that the letter of Mr. Moore, on which their account was based, was a tissue of misrepresentations. If ever the Government exhibited care and caution with regard to the purchase of a picture, they had done so on this occasion, and what they did entirely took away from Mr. Mündler the responsibility of that purchase. Many months before making a purchase so important, the Government, anxious that no misconceptions should prevail regarding it, communicated, through the Foreign Office, with Mr. Harris, our resident Consul at Venice, and employed him to take the necessary steps for authenticating and securing the picture, and so far as Mr. Mündler and the National Gallery were concerned, he was bound to acquit them entirely of the transaction, and take all the responsibility upon the Government. Several years ago this picture attracted the attention of the Government, and Lord Aberdeen authorised our Consul to endeavour to effect a purchase of it. From time to time offers were made and rejected, and at least £12,000 was demanded by Count Pisani, to which he annexed this condition, that as his domestics had for a number of years obtained a large income by the fees received for showing the picture to strangers, an additional sum should be given to compensate them for the loss they would sustain by the stoppage of the fees. The amount for compensation was found to be £1650, and under these circumstances the total sum paid was £13,650. Now, with regard to the amusing distribution of that money, so graphically described by his noble Friend, Mr. Mündler had no concern whatever with it, nor, so far as he knew, had Mr. Harris any concern with it. All that was to be done by the Government was to pay the sum agreed upon, and leave the distribution to others. The hon. Gentleman who spoke last appeared to be under an impression—which was justified, perhaps, by the letter from which he derived his information, but which nevertheless was incorrect—that Mr. Mündler had been treating with all the domestic servants respecting their particular shares. The fact was, the Government paid the money stipulated, but had nothing to do with its distribution. As to the value of the picture, that was perhaps a matter of opinion which could better be discussed after the painting had been exhibited in the National Gallery. He could only say that no one who had visited Venice could be unacquainted with the fame of that picture; that, in fact, it had a world-wide reputation. In order to show the difference of opinion that might exist upon subjects of this kind, he would mention that one gentleman, who had expressed himself most strongly against the purchase, had actually within the last twelve months himself advised the directors of the National Gallery to buy it, and had declared that the Government would be to blame to lose it, even at a cost of £20,000. The instant the purchase was made, however, that gentleman turned round and denounced the directors for having made it. [*Cries of* "Name!"] That gentleman was not a member of that House, and, therefore, unless the directors of the National Gallery gave permission he should decline to name him. He only mentioned the circumstance as an instance where the Government was blamed for acting upon the advice which was given by those who afterwards censured them. The noble Lord (Lord Elcho) had alluded to the constitution of the National Gallery. All that he (Mr. Wilson) could say upon that point was that, in consequence of a resolution of that House, the duty devolved upon the Treasury Board, of which the noble Lord was a Member, to frame a new constitution for the National Gallery. [Lord ELCHO: I had no share in that, and knew nothing of it.] At all events, the constitution, as framed, was submitted to and was not disapproved by the House. With respect to the question of the utility of a travelling agent, he could only say that it was the opinion of the trustees and directors that he was an officer of the highest importance to them, and he knew that at the present moment several negotiations were pending through Mr. Mündler for most important works of art. Within the last fortnight or three weeks, Mr. Mündler had been able, by his presence on the spot, to purchase pictures which, if resold, would produce a profit that would defray the salary of the agent for four or five years to come. With respect to the salary of the secretary, the noble Lord appeared to have forgotten that Mr. Wornum held the double appointment of keeper and secretary; and when he talked of Messrs. Longman or Mr. Murray producing a catalogue of the National Gallery for £750, there was no doubt that could be done if a list of the pictures was all that was required, but Mr. Wornum was a man fully qualified to produce a historical catalogue of the contents of the Gallery, and upon some such work he was now most usefully employed. Moreover, that gentleman, upon accepting his present appointment, had given up engagements which produced him £850 a year. The noble Lord had also spoken of the divided responsibility between the directors and the travelling agent, but the truth was, the duty of the latter was only to report to the directors and to act upon their instructions, having no power to make purchases of his own motion. After the discussion of last year he (Mr. Wilson) did not expect the subject of the purchase of the other Veronese would have been revived, but, as it had been, he could only repeat his former statement—that Mr. Mündler had nothing to do with that purchase, the responsibility for which rested entirely with the trustees and directors of the National Gallery. For that picture an offer had been made of £400 beyond the sum that had been paid. The hon. Member for Finsbury (Mr. Cox) had moved to reduce the Vote by the amount of £5,000, which had been paid from the civil contingencies. That payment might be right or wrong, but the Government was responsible for it. If, however, the hon. Gentleman should succeed in carrying his Motion, it would have the effect of stopping several negotiations now pending for many important works, and therefore he hoped that those hon. Members who were anxious for a good National Gallery would pause before taking such a step. The hon. Gentleman also stated that he believed the picture which had been bought was not the original, but only a copy. Nothing was more unfounded than that idea, for Mr. Mündler had seen the copy at the Villa d'Este, and found that it was a wretched performance by a wretched artist, and that, moreover, the French soldiers who had at one time been quartered at the villa had amused themselves by thrusting their bayonets through the eyes of every figure in it. As to the travelling expenses, the noble Lord ought to be aware that the director was in the habit of travelling in the autumn, whenever he could, for the purpose of making or confirming purchases, in consequence of the previous inquiries of Mr. Mündler. The £650 for travelling expenses included, not only the expense of the travelling agent, but also those of the director when he found it necessary to go abroad upon the business of the Gallery. Those travelling expenses, moreover, were regulated by the Treasury, according to a fixed scale. He (Mr. Wilson) was not aware that he had any further remarks to make, but hoped that those he had made would remove false impressions, and would induce the Committee not to assent to the reduction proposed, which would have the inconvenient consequence of disturbing many negotiations now in progress, while it would not interfere with the Veronese purchase, which was now a settled and concluded affair.

Mr. CONINGHAM said, he admired the courage with which the Secretary of the Treasury had undertaken to endorse the acts of Sir C. Eastlake, but it was not in the power of the hon. Gentleman to relieve him from the responsibility attaching to his office. By a Minute of the Treasury, made in 1855, it was laid down that the Director must be responsible in case of difference between himself and the trustees. That regulation imposed upon Sir C. Eastlake the responsibility for the purchase of all pictures. As personal reference had been made to him, he would clear the ground before he entered into the question of the system of management which now prevailed in the National Gallery. His noble Friend the Member for Haddingtonshire (Lord Elcho) had alluded to the collection of pictures which he made, stating, somewhat inaccurately, that it was principally formed in London. It was, to a considerable extent, formed in Italy; but, he had no hesitation in asserting, that if the English Government would but state that they would buy any really good pictures that might be brought to this country, they would soon be encumbered with works of art from all parts of the world. The system of management which now prevailed in the National Gallery was of recent introduction. For a long time the Gallery was managed by a Director and a body of Trustees, the former receiving, he believed, the very moderate sum of £200 a year. For many years it was composed of the Angerstein collection, and it was only recently that the stimulus which had been given to the study of the fine arts rendered it necessary that something should be done. Upon the death of Mr. Seguier, Sir Charles Eastlake, who at that time was not President of the Royal Academy, but only a member of it, was appointed to the keepership. During his occupancy of that post, a considerable number of pictures were purchased for the National Gallery; and it was hardly necessary for him (Mr. Coningham) to recall to the recollection of the Committee that one of the first purchases which Sir C. Eastlake made for the Gallery was the celebrated "Portrait of a Medical Gentleman," by Holbein, for which the sum of £630 was paid. The notoriety of that transaction relieved him from the necessity of dwelling upon it. Any gentleman who wished to satisfy himself as to the nature of the purchase had only to visit the National Gallery in Trafalgar Square, where he would see this spurious daub, a libel upon the great artist whose work it pretended to be, and which gave the public a foretaste of the subsequent purchases of Sir C. Eastlake. He might allude, among others, to the purchase of "The Youthful Saviour," by Guido, from the Harman collection, which was another downright libel upon the artist. That purchase, also, was made by Sir C. Eastlake, when keeper. The office of keeper, however, in consequence of a series of attacks made upon him in the press, Sir Charles was compelled to resign. He was succeeded by Mr. Uwins, who in his turn was obliged to retreat before a similar storm of public indignation. Afterwards Sir C. Eastlake became President of the Royal Academy, and, unfortunately for himself, *ex officio* Trustee of the National Gallery. In that capacity he was responsible for another series of purchases, which, to a great extent, were distinguished by the same errors as those he made when keeper. He might allude, among others, to the purchase of "The Tribute Money," by Titian, from the collection of Marshal Soult, which was undoubtedly a spurious work, and recognized as such by some of the most competent judges in Europe, and for this Sir Charles had the folly to pay the enormous sum of £2,613 3*s.* 2*d.* He would not tire the Committee by dwelling upon the purchase of the picture attributed to Pachierotto, or upon the daub ascribed to Albert Durer, but would go at once to the purchase of the Kruger collection, for which he was not certain that Sir C. Eastlake was absolutely responsible. Sure he was, however, that whoever was responsible for that purchase, was responsible for one of the worst ever made for the National Gallery. Some sixty of these pictures were purchased in a mass for £2,916 19*s.* 8*d.*, and a considerable number of them were sold by public auction at Christie's, realizing something like £3 or £4 a piece, the *minimum* price being £2 10*s.*, and the *maximum* £20. Notwithstanding the series of purchases to which he had referred, the Secretary of the Treasury had the boldness, when Sir C. Eastlake was appointed to the directorship, to rise in his place and declare that he had shown qualifications of the highest order for the office. Now, when they saw the purchases which were made under the auspices of Sir C. Eastlake, and when they remembered the process of destruction which, under the name of cleaning, was carried on in the National Gallery under the directions of that gentleman—a process which Mr. Morris Moore and himself happily succeeded in putting an end to, though not before very serious injury had been done to some of the finest pictures in the collection—he thought that they would agree with him, that the statement which he had just quoted from a former speech of the Secretary of the Treasury detracted considerably from the authority which might otherwise have been attached to his observations on the present occasion. The hon. Gentleman had plenty of evidence beforehand of the gross incapacity of the person whom he undertook to defend. The fact of the matter was, that the National Gallery was the scene of numberless intrigues, nor was it difficult to discover who pulled the wires. Sir C. Eastlake, as he had already stated, proved himself incompetent at a low salary to discharge the duties of his office. He was driven ignominiously from it, and when he became an *ex officio* trustee, he stated in a letter of the 17th of April, 1854, "I wish it to be clearly understood that it is not my intention to interfere in any way in future with the concerns of the National Gallery;" thus acknowledging his own incapacity and the truth of the charges which had been brought against him. Yet this gentleman, within a very short period, had the audacity—for he could call it nothing else—to accept £1,000 a year from the nation. For what? Why, for making purchases that disgraced the National Gallery, as witness "The Adoration of the Magi," ascribed to Paul Veronese. These purchases taken together amounted to the very large sum of £12,793 18*s.* It was hardly necessary for him to go further into the more recent purchases of Sir C. Eastlake, but he could not help pointing out to the Committee how dangerous the system was of purchasing complete collections and then selling portions of them by auction. We ought to purchase none but the very best pictures, and he had no hesitation in saying that the new system was likely to lead to unlimited jobbing. Upon a previous occasion he stated that the new plan was introduced from Berlin, and, if he was not trespassing too long upon the time and patience of the Committee, he would give them some details corroborating that statement. He begged to remind them, however, that in Berlin there was no free expression of public opinion, no real liberty of the press, and the consequence was, that the necessity for selling the worst pictures did not exist. Any hon. Member who would take the trouble of walking through the gallery in that city might see the masses of pictures that disfigured the walls upon which they were exhibited, and, were the Berlin system carried out in all its integrity here, we might behold the whole of the villanous Kruger collection, a part of which had been sent over to corrupt the taste of the Irish nation. The formation of the Berlin Gallery was of comparatively recent date. It was composed principally of pictures which originally belonged to the Solly collection, and for which 500,000 thalers were paid. He held in his hand a pamphlet, entitled, *The Picture Baptism of Dr. Waagen,* published at Leipsic in 1832, giving a full account of the Solly purchase, and showing also the system which prevailed in Berlin. It said:—

"The State having purchased that enormous quantity of Mr. Solly's pictures, there was a great mystery about them. It was considered a rare favour to have a look at them; perhaps they feared public opinion, and wished to make everything fine and shiny by restoration and varnish, in order to deceive the public. Berlin painters consequently were not just wished for to do this work of restoration; the workmen were sent for from abroad, and especially by Dr. Waagen, who had made proper acquaintances at Munich while he lived there. If any offer was made to a Berlin artist, the pay was so paltry that the man could not but refuse. Now, restoration began to be carried on on a grand scale, a quantity of pictures were transformed into the style of famous painters and their pupils, and enormous sums—for which real old original pictures might have been bought—were thus spent. In Mr. Solly's collection were a great many which could not be exhibited without undergoing very important restorations. For this purpose there arrived—first, a Mr. Horack from Saxony, who had been a tailor, but then felt inspired to restore old pictures. With pompous words he praised his own skill, and assured them that he was able to take off pictures from worm-eaten wood and draw them over new wood or canvas. He moreover pretended to possess a water with which to wash and clean pictures without washing them away. This master tailor, after having spoiled a number of pictures intrusted to him by private persons, was engaged by the committee of the Museum, and received a large picture from the Solly collection to remove it from the panel. Horack asked for an advance and obtained the money. Somewhat later he asked for another advance, and obtained it. Now he went on working a few days longer, then he shut up his abode and disappeared from Berlin. The committee finding the door locked, and obtaining no answer to their rappings, ordered the door to be forced, and satisfied themselves that their artist had bolted with the money, but left them the corpse of the picture to bury. An eternal silence, of course, is kept about the fate of this picture. Meanwhile Dr. Waagen had carried out his plan. For a high annual salary, the restorators, his old connections were appointed—namely, Mr. Schlesinger, Mr. Koester, and Mr. Xler. Now, the high sanhedrim was complete, a *Restoration-atelier* was arranged, and all the pictures of the State entrusted to it to be sentenced to life or death."

That was the system which Dr. Waagen had introduced into Berlin, and he respectfully submitted to the Committee that a very similar system had been introduced through the instrumentality of Sir C. Eastlake into our National Gallery. He thanked the Committee for the very courteous manner in which it had listened to him; but he could not sit down without alluding to another point to which public attention ought to be directed. They were constantly told that the true models for study and for educational purposes were of the modern school of art. On that subject he would quote the words of Sir Joshua Reynolds, who said :—

> "The modern who recommends himself as a standard may justly be suspected as ignorant of the true end and unacquainted with the proper object of the art which he professes. To follow such a guide will not only retard the student, but mislead."

He was opposed to this novel theory, and in favour of reverting to the pictures of the 15th and 16th centuries for our models, and he thought that works of that description should almost alone be purchased for the National Gallery.

Mr. HENLEY said that, as he understood it, three objections had been taken on the present Vote. First, as to the selections that had been made in the purchase of pictures; secondly, as to the employment of the travelling agent; and, thirdly, as to the spending of money without the authority of Parliament. He should say, that the explanation of the Secretary for the Treasury, in answer to those objections, was rather an alarming one. The Vote was objectionable enough as it stood in the Estimates; but the explanation given of it, instead of mending the matter, only tended to give it a more serious complexion. A good deal had been said about the increase in the Civil Service Estimates ; but let the Committee consider for a moment the Vote now before them in comparison with what it was in former years. In 1848 the Estimate for the National Gallery paintings was £5,000. From that amount it had increased till in 1854-55 it was £6,600 ; in 1855-56, £16,000; in 1856-57, £12,000; and this year it assumed the moderate proportions of £23,000. From this it appeared that the Estimate was going on at a very comfortable rate, to say the least of it. It could not be said that in this respect art was neglected in England. But the most alarming feature in the business was this —the noble Lord and others complained that a sum of between £5,000 and £6,000 had been paid without the sanction of Parliament. The Secretary to the Treasury replied, "That is quite a mistake. If you choose to censure the Government, well and good; but Parliament put £100,000 in their hands to pay for anything that happens to need paying, or for what are called urgent matters;" but if this argument of the hon. Gentleman was admitted, the House might next year be called upon to grant, not £23,000, but a sum of £123,000. He thought that the case was put in rather too broad a way by the Government; because, if the doctrine of the Secretary to the Treasury as to the discretion vested in the Government held good, the House of Commons having voted a specific sum for the purchase of paintings, there was nothing to hinder them from increasing the amount by £100,000, without a question being asked by anybody. Surely, however, the hon. Gentleman (Mr. Wilson) had pushed the right of the Government to an extravagant length. Now, let them see how what was called the travelling agent worked. They had been told that the Government had been nibbling at a certain picture since 1853. It seemed very clear from the negotiations carried on in respect of that picture that the country had not derived much advantage from this travelling agent on that ground, unless the advance of price which was the necessary consequence of that nibbling process could be called an advantage. They were informed that the picture in question had more than a European—that it had a world-wide reputation; that everybody who had been anywhere had seen it. If so, it could scarcely have been necessary to have a travelling agent at £600 a year, with travelling expenses, "nibbling" at it for four years. It appeared, that so far back as 1853 the picture was valued at £12,000, which sum the owner asked for it, on which the trustees recommended the Government to give £10,500, honestly saying at the same time it was worth £12,000. Now, that was a curious way of doing business. In his (Mr. Henley's) opinion, if they thought a man was asking a fair price for an article, it was better to give him his own money, for if they attempted to beat him down, they might be sure he would make a fool of them afterwards, and it would serve them right if he did. This had been the case with this picture. The price asked for it in 1853 was £12,000, but the price paid for it in 1856 was £13,650. That was what was got by offering £10,500 for a work of art admitted to be worth £12,000. Moreover, he was not at all consoled by being informed that the alleged copy of this picture was "a wreck," for the term "wreck" was never applied to what had always been worthless. Then came the question how this Vote was to be dealt with. The amount by which it was proposed to be reduced was larger than he could approve of, but if the proposition were to reduce it by the sum overpaid last year, he should be glad to give it his support, upon the ground that if the House agreed to give £10,000 a year for pictures, it was a pretty clear indication that they did not mean that the Government should go and spend £15,000. To the Amendment so altered he should be happy to give his assent.

MR. LABOUCHERE said, he regretted to take any part in the discussion, because the House never appeared to less advantage than when they discussed the merits of individual pictures, and when speeches were made in tones far more intemperate and violent than upon other occasions. Upon matters of taste gentlemen proverbially differed, but, surely they could express their different opinions without imputations of incapacity, much less of jobbery or dishonesty. He was somewhat surprised to hear from the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) an objection that the Government had spent in a single year more than the £10,000 set apart for the purchase of pictures. He could quite understand the right hon. Gentleman if he said that no more pictures ought to be paid for out of the public purse, and that the present system ought to be abandoned. But he could not understand him if he said that because an estimate of £10,000 had been agreed to for the purchase of pictures, therefore the purchase of pictures by the Government during the following year should be strictly limited to that amount. He was surprised to hear so strange a doctrine advanced by so acute and intelligent a Gentleman as the right hon. Member for Oxfordshire. With regard to this particular picture he would not pretend to give any decided opinion. All that he knew was that he had been several times at Venice, and he had never been there without hearing it spoken of as one of the principal ornaments of Venice. He never doubted that it was a picture of as established a European reputation as any that could be mentioned. It might be true that the Venetian school did not rank so high as others. He believed that the purer taste of modern times had lowered the estimation of the Venetian school, but that did not prevent it from being a most important school. And surely when an opportunity occurred for this country obtaining possession of a work of one of the most celebrated masters of that school, it was not surprising that those who had the direction of these things should think it of importance to secure such a picture for the country. It might be said, "that is very true, but a most unreasonable sum was given for it." That, however, was a question of opinion. The House would recollect that a picture by Murillo was sold at a public auction at Paris, a few years ago. Murillo was a great painter, but not one of the greatest painters in the world; and he (Mr. Labouchere) did not think that picture was one of the finest specimens of his work. It was sold openly. There was no jobbery nor travelling agent, nor any of those suspicious circumstances on which some hon. Gentlemen had laid so much stress. And what took place? There were competitors; and who were they? The Emperor of the French, the Emperor of Russia, and a rich English nobleman. The picture was sold, he believed, for £25,000. [Lord ELCHO: £23,000.] A most astounding sum, he must say. If he were to hazard an opinion, he would say that the Paul Veronese was cheaper at the sum that had been given for it than the Murillo at £23,000. He thought that they would make a very bad exchange if they parted with their Paul Veronese for the Murillo of the Emperor of the French. But however that might be, he should not have risen on the present occasion but for his anxiety to do justice to a distinguished man. He deeply regretted that they could not discuss matters of this kind without making personal attacks upon Sir Charles Eastlake. He had had the honour of his acquaintance for several years, and all who knew him felt that there was not a man of higher integrity, purer character, or greater accomplishments in this country. He believed that he was one of the most learned and accomplished artists that this country possessed. He regretted to hear his hon. Friend the Member for Brighton (Mr. Coningham), than whom there could be no better judge on this subject, bring into this debate personal attacks upon Sir Charles Eastlake. His hon. Friend had said that Sir Charles Eastlake had shown his incapacity by the manner in which he had managed the National Gallery and overlooked the cleaning and preservation of the pictures. He appealed from him to his noble Friend who introduced this question. His noble Friend stated—and he believed truly—that there was not a great collection of pictures in Europe that was not far worse treated than the National Gallery with respect to cleaning. He (Mr. Labouchere) was not a very competent judge of these matters, but he had visited most of the picture galleries in Europe, and he was able to form some opinion on them. He would refer merely to two of the most celebrated galleries in Europe—the gallery at Madrid, one of the noblest in the world, and the great gallery at Dresden. He believed that some of the pictures in both those collections had been injured by injudicious cleaning, carried on under the superintendence of those who ought to have been their guardians and preservers, but who, in truth, were their destroyers. His noble Friend had said most truly that Sir C. Eastlake deserved great praise for the very careful manner in which the cleaning and restoration of the pictures in the National Gallery had been carried on. It was to him that we owed, in a great degree, the present state of those pictures. He (Mr. Labouchere) sat on the Committee that made inquiries some years ago into the manner in which the pictures were being cleaned and restored, and when he recollected the evidence that was then given as to the injudicious manner in which they had been treated up to that time, he thought the country had reason to rejoice that so much care and vigilance had since been exercised in their preservation. But be that as it might, he believed that it served no purpose to discuss the merits of a particular picture on this Vote. If the House believed that the system of purchasing pictures for the nation out of the public purse was bad, let them alter it. If they believed that those to whom the management of this matter was entrusted were incompetent, let them say so. He did not believe that they were incompetent. A man abler than Sir C. Eastlake to superintend the National Gallery could not be found. It was not to be supposed that he or any other man could please everybody in every purchase of pictures which he made. He did not know how it happened, but as far as his experience went, he did not find that a love and practice of the fine arts made men more charitable or amicable. People talked of the *odium theologicum*, but the *odium* of the professors and critics of art against each other was the most envenomed that he knew. He never could discover exactly whence it proceeded, but that it existed was indisputable. What would the House think of calling a private collector over the coals for every picture that he purchased? Where was the private collector that had not committed some mistake? His hon. Friend the Member for Brighton (Mr. Coningham) had had a very beautiful collection of pictures. They were sold some years ago in this capital. No one could visit that collection without seeing that it evinced on the part of its owner great taste and great knowledge of the art. But at the same time he recollected that it contained two pictures which betrayed a want of judgment. His hon. Friend, therefore, ought to be more indulgent when he made criticisms on the purchases for the National Gallery; for he was sure that there was no one, who had ever been engaged in the purchase of pictures, who would not concur in the remark of Napoleon, "that those are the most fortunate who have committed the fewest blunders." If the Committee wished that no power at all should be given for buying pictures, or that the duty of purchasing them should be entrusted to other hands, let it say so;

but if they were to collect pictures for the National Gallery, he thought the sum they now asked was very moderate, and believing it would be safe to entrust the control of the expenditure to a man of such high honour and integrity, and enlightened and pure judgment as Sir Charles Eastlake, he should regret extremely if the Committee did not agree to the Vote before it.

Mr. STIRLING said, he had, on a former occasion, asked his right hon. Friend (Mr. Gladstone), who was at the time Chancellor of the Exchequer, for some explanation as to the purchase of the Krüger collection, but that explanation had never been given. He begged, therefore, now to ask the Secretary to the Treasury, upon whose professional advice that collection was purchased for the National Gallery. His right hon. Friend the Secretary for the Colonies had already so well defended Sir Charles Eastlake that he should not trouble the Committee with any observations on that point; but he did think Mr. Mündler had been badly used. The noble Lord (Lord Elcho) had told a story which he heard from his *laquais de place* at Venice. Now, if every hon. Gentleman would retail the stories which they heard from their *laquais de place*, perhaps the Committee would be enlivened with some anecdotes about the noble Lord and his pictures. The noble Lord, however, went to Venice, talked to his *laquais de place*, and then favoured hon. Members with his anecdote. Now, he (Mr. Stirling) remarked that his noble Friend carefully avoided giving any opinion as to the authenticity of the Pisani picture, and did not authenticate a single statement of Mr. Morris Moore, although he read the whole of that Gentleman's letter; he merely amused the Committee with his story, and left the subject where he found it. But, as his noble Friend was on the spot for several months, and had formed an intention last year to bring the subject of the National Gallery before the House, might he not have sent his *laquais de place* to Este, or have ordered his gondola and have ascertained for himself whether the Pisani picture in the palace or that in the villa—which he did not see—was the original? He thought his noble Friend might have spent a few hours in this way most agreeably to himself and very usefully to the country. With regard to Mr. Mündler, he knew nothing of that gentleman or of his qualifications, but was aware that he received £300 a year, and had his share of the travelling expenses, which, he believed amounted altogether to £650. Now, some four or five years ago, Mr. Uwins and the late Mr. Woodburn, the picture dealer, were sent, at the expense of the Government, to report on one of the collections at Venice—the Manfrini, he believed. No purchase was effected, but that single journey cost the country £400 or £500, or very nearly what was paid for the services of Mr. Mündler all the year round. As the suggestion that agents should be employed in every town of Italy and Germany to supply the place of a travelling agent, he would ask the Committee what the expense of purchases so effected would be. The ordinary percentage which a picture dealer expected on these commissions was 10 per cent, and at this rate the purchase of the Pisani picture would have cost £1,300 for agency alone. With regard to the hon. Member for Brighton (Mr. Coningham) he would only say that, having for a long time enjoyed his friendship and been acquainted with his works, he wished the hon. Member had amused the Committee with extracts from his own writings, instead of quoting his very dull friend the Berlin pamphleteer. In his own pamphlets the hon. Member had, more happily than he had done to-night, reflected with great asperity on the management of the National Gallery; but after all, of what did he accuse the directors? The head and front of Sir Charles Eastlake's offence, as stated by his hon. Friend, amounted to this—that having made a mistake in the purchase of some picture, he had the candour and manliness to own it, and that on several occasions he had expressed considerable diffidence of his own judgment. Now, these were two errors into which picture collectors were not apt to fall; at all events, he had never heard that his hon. Friend and the noble Lord had ever done so. With regard to the suggestion of the right hon. Gentleman (Mr. Henley), he thought it a very good one. If a certain sum (which should be a large and liberal one) were voted annually for the expenses of the National Gallery and the purchase of pictures, it would be much better than the present arrangement, and the deficiency of one year might be made up from the excess of another.

Mr. WILSON said, the collection to which the hon. Member referred was not included in the present Estimates. It was purchased in 1853, and paid for in 1854;

but in the absence of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), who was Chancellor of the Exchequer at that time, he was sorry that he was not able to say on whose professional advice it had been purchased. The collection was bought in consequence of the advice of certain persons who were qualified to express an opinion upon it; but he was bound to say that they were not the trustees of the National Gallery.

LORD ELCHO said, his hon. Friend (Mr. Stirling) had found fault with him for not having sent his *laquais de place* or gone himself to ascertain the authenticity of the Pisani picture. The best reason, however, for not going himself was, that he left Venice the day after he had been told this story. He was delighted now to hear from so great an authority as the hon. Secretary to the Treasury that there was no doubt that this Paul Veronese was an original. The hon. Gentleman stated that the letter, for the accuracy of which he (Lord Elcho) had to a certain extent vouched, was a tissue of misrepresentations. He could only say, however, that the facts he had stated were repeated to him before he left Venice and before he had seen the letter, which he, therefore, had reason to believe was correct. Then the hon. Gentleman stated that the constitution of the National Gallery was approved by the House. Now, the fact was, that the House never had an opportunity of approving it. The constitution was drawn up by the hon. Member himself at the Treasury, and the first time the House heard of it was when it was asked to vote the salaries of these gentlemen. He would remind the House, however, that exception was taken to the salary of the secretary and of the paid travelling agent, and that in 1855, upon the question of the latter gentleman's salary, a Vote was taken in a morning sitting in the month of August, when forty-five voted in favour, and thirty-eight against it. He might say, therefore, that the House had not been consulted as to the constitution of the National Gallery, and that when this point had been brought before the House only a narrow majority had decided in its favour. His hon. Friend the Secretary for the Treasury stated that a gentleman had offered £400 more than the nation had given for the Paul Veronese of last year. Then all he (Lord Elcho) could say was, that he strongly recommended the Government to accept the offer. His hon. Friend had so stoutly come forward in defence of these Paul Veroneses, and had taken the responsibility of the purchases so readily upon himself, that he (Lord Elcho) was reminded of a joke upon the subject made by his hon. Friend the Secretary of the Admiralty last year, who said that he didn't believe the picture was a Paul Veronese —he believed it was a Wilson. When the cleaning process was under discussion some years ago he remembered the present Under Secretary for the India Board came down to the House quite aghast, and he said, "What do you think I saw up there? Why, I found those ruffians scrubbing the 'Woman taken in Adultery.'" Well, that barbarous and unnatural proceeding had been defended by the hon. Gentleman on the Treasury bench. His right hon. Friend the Secretary for the Colonies said that Sir C. Eastlake had been harshly alluded to in the course of the discussion. He (Lord Elcho) was sure that he had said nothing with regard to Sir C. Eastlake which his most intimate friend could have objected to. He believed Sir C. Eastlake to be a thorough gentleman and a most accomplished man, and in those respects he was perfectly fit for the situation which he held. He differed from his right hon. Friend as to the value of the Pisani picture. He did not say that we ought to have no pictures of the Venetian school. He admired those pictures as much as it was possible to do, but he objected to giving an enormous price for a second-rate picture by a second-rate master of that school, and he wished the Committee, by their vote, to mark their disapproval of the sum which had been given for it. He would also suggest that the hon. Gentleman (Mr. Cox) should limit his Motion to the reduction of the £5,000 for civil contingencies. Still he (Lord Elcho) was of opinion that the surplus over and above the purchase money for pictures each year should be carried over to the next; and that, if a special case arose, a special grant should be made for the purpose.

THE CHANCELLOR OF THE EXCHEQUER trusted that the Committee, before coming to a vote on this question, would look to the real facts of the case, and would not be led away by any prejudice which might have been created by the unfair statements which had been made. It was admitted on all hands to be a matter of national policy that we should have a National Gallery. That Gallery had been founded by gifts to the country, and it had been augmented by valuable purchases. Those purchases had been in successive years sanctioned by Parliament, and it was now agreed that the collection should be not only maintained, but increased from time to time by purchases. It was also agreed that they should devote, not a small sum, but £10,000 a year for the purchase of pictures for the enrichment of the National Gallery. That sum, therefore, was voted each year, and was placed at the disposal of a board of Trustees consisting of noblemen and gentlemen who were well acquainted with art, whose names were before the public, and who were the advisers of the Government with respect to the purchase of pictures. Their secretary and director was Sir C. Eastlake, the President of the Royal Academy, who, besides being himself a most accomplished artist, was intimately acquainted with the history of art and with the quality of pictures. If the Government were not to be justified in acting upon the advice of so eminent an authority in matters of painting their action would be paralyzed, and it would be impossible for them to take a step safely in any department of art. It was impossible for the Government to have special knowledge upon a subject of this sort, and if Sir C. Eastlake were eminently fitted by his qualifications to advise them, they were fully justified in acting upon the advice of the Board of Trustees, and Sir C. Eastlake, the director. Under these circumstances the Government were advised by the Trustees to purchase a picture of first-rate European celebrity—the Pisani picture of the "Family of Darius before Alexander," which had long enjoyed the reputation of being a genuine picture of Paul Veronese. Hon. Gentlemen had spoken as if there were a doubt of the genuineness of the picture. In page 41 of the Estimates, however, would be found a passage from the manuscript notes of a German writer named Rumohr—a gentleman of first-rate authority in matters of art—quite as high an authority as his noble Friend the Member for Haddingtonshire (Lord Elcho), as the hon. Member for Brighton (Mr. Coningham), or as Mr. Morris Moore. He ventured to think that on this subject Rumohr was quite equal to any of them, or to all of them put together. Rumohr said:—

> "The celebrated picture of the wife of Darius mistaking Hephæstion for Alexander. In excellent condition; perhaps the only existing criterion by which to estimate the genuine original colouring of Paul Veronese. It is remarkable how entirely the genius of the painter precludes criticism on the quaintness of the treatment. The treatment of colour, especially in the flesh, and the excellence of the execution, are such as to render us almost unjust to other great colourists. In the presence of this work we forget for a time all other productions in painting."

Some years ago Lord Aberdeen authorized the purchase of this very picture for £10,000, and thought himself unfortunate in not being able to purchase it. He (the Chancellor of the Exchequer) apprehended, therefore, that there could be no doubt of the genuineness of the picture, of the reputation it enjoyed, and of the high value placed upon it. If a Government were to purchase pictures for a National Gallery, it seemed to him that they discharged their duty better by purchasing a great and celebrated picture, even at a high price, than by buying a number of second or third rate pictures. A nation could give high prices for pictures, and had large spaces in which to exhibit them; but few private individuals could hang up the Pisani picture of Paul Veronese, if it were presented to them, because no house of moderate dimensions would hold it. He contended, therefore, that such a picture was peculiarly fitted for a National Gallery. He had learned by experience, that there was scarcely any duty more difficult to discharge than that of buying pictures for a National Gallery—for himself, he declared that he would infinitely rather negotiate a loan for £10,000,000 than he would undertake to purchase a single picture—yet he deliberately maintained that the Government were fully justified in having purchased this picture at the price they gave for it; and if they had to make the decision again, even after the criticisms of his noble Friend the Member for Haddingtonshire and of his hon. Friend the Member for Brighton, they would adopt precisely the same course as they had adopted. Did his noble Friend rest his case on the difference between £10,000 and £13,000? If so, that somewhat narrowed the point, because his noble Friend would admit that the finest picture in the world might be worth the larger sum. But his noble Friend said, the Government were wrong, because they gave too much for it. [Lord Elcho: Hear, hear!] And because no picture by Paul Veronese was worth £13,000. But by what possible means was the value of pictures to be ascertained? The Government were advised that the value given for this picture was not excessive, and they accordingly offered it. Was this a vote of censure upon the Government or upon the Venetian school, or upon the painter Paul Veronese? He owned he could not understand where the censure was to lie. He had been told that forty or fifty years ago the two painters whose works fetched most at auctions in this country were Rubens and Salvator Rosa. Well, that had been altered, and now his noble Friend said, they ought to buy nothing but Pietro Perugino and the pure Italian school. [Lord ELCHO: No, no!] At all events, his noble Friend would not have the Venetian school. [Lord ELCHO: Yes.] Well, then, his noble Friend said he would have the Venetian school. He was at a loss to know on what principle the Government were to buy pictures for the National Gallery, or how they were to escape censure next year, even if they sought to profit by the admonitions that had been addressed to them. He trusted that, after the conflicting opinions which had been given on the purchase of these pictures, the Committee would see the difficulty that the Government had to encounter. The Government had acted for the best, and if they had not made a wise choice, they had at least taken the best advice that they could obtain. With regard to the establishment charges of the National Gallery, they had been settled in 1854, in a Treasury minute, which had been acquiesced in by the House, and there was every reason to believe that they had met with approval. He trusted that the Committee would not, by adopting the Amendment, deprive the Government of all power of purchasing pictures for the nation.

MR. SPOONER said, his advice to the Chancellor of the Exchequer, when he complained of the difficulty and opposition he encountered in purchasing pictures, was to buy no pictures. It was his intention to vote for every reduction of the vote for purchasing pictures, because he did not think the public received sufficient advantage for the money so laid out. He was also of opinion that the House had no right to tax for these pictures those who never enjoyed the sight of them. The Committee were, in fact, voting away the public money for their own amusement.

MR. COX said, he would acquiesce in the suggestion of the noble Lord (Lord Elcho), and therefore he would beg that his Motion might be withdrawn, and that the division should be taken on the reduction of the Vote by £6,541. He was astonished to hear it said by the Secretary for the Colonies that the House never appeared in so unfavourable a point of view as in looking after the expenditure of the people's money. He did not know what he had been sent to that House for, if not to look after the public expenditure.

Motion, by leave, *withdrawn.*

MR. LABOUCHERE said, that the hon. Gentleman had grossly, though of course unintentionally, misrepresented him. He did not say that the House was improperly occupied in canvassing the expenditure, but that he did not think it ever appeared to less advantage than when it was engaged in discussing the merits of individual objects of art.

MR. CONINGHAM said, that he had been charged by the right hon. Gentleman the Secretary for the Colonies with having made a personal attack upon Sir C. Eastlake. He had made no attack upon Sir C. Eastlake's character; he had only impugned his judgment and capacity as Governor of the National Gallery, and he submitted that he had fully established his case. The Report drawn up by the Committee of 1853, which was the production of a noble Lord, a personal friend of Sir C. Eastlake, did not venture to whitewash him, and it was so against the evidence, that the Chairman of the Committee protested against his own Report. Mr. Van Rumohr, who had been alluded to, was the author of a bad cookery-book, but being a dilettante, he had a collection of bad pictures. He was, however, a *protégé* of Dr. Waagen, who induced the Prussian Government to buy his bad pictures. With regard to Paul Veronese, he was a painter of the third class, whose pictures were not rare. Correggio was one of the rarest of the Italian masters, and yet two of his most splendid and beautiful pictures were bought a few years ago of the Marquess of Londonderry for £11,000, which was considered a large sum at the time. The sum of £13,000 for one of Paul Veronese's pictures was, therefore, an extravagant and monstrous amount. The fact was, that a wretched daub had been purchased, which was found not to be by Paul Veronese, and then this purchase was made to cover that mistake.

VISCOUNT PALMERSTON: I must confess that the contrast which this discussion exhibits to the scene I have just left produces a painful impression on my mind. I have just come from the town of Manchester, where the contributions of a few spirited and intelligent merchants have, at the expense of £100,000, procured for the people of that neighbourhood, and for those who choose to go there from other parts of the country, the temporary enjoyment of witnessing a magnificent collection of pictures; and now, when I arrive in this House, I find the representatives of the people haggling and boggling about a petty sum, and seeking to censure the Government for having given what my hon. Friend calls the excessive amount of £13,600 for a picture which the Secretary for the Colonies and the Secretary to the Treasury have properly denominated as a picture of world-wide reputation. It is in vain for the hon. Member for Brighton (Mr. Coningham) or for the noble Lord the Member for Haddingtonshire (Lord Elcho) or his *valet de place* in Venice, to tell us that Paul Veronese was not a master of great value, and that the picture in question is not one that eminently deserves a place in a national collection. It may be true that Paul Veronese is not reckoned so high as some other masters of whom the Committee has been told; but there is this peculiarity with respect to Paul Veronese, that not only is he a great example of colouring, but he is one of the most instructive painters in point of composition whose works could be placed in a gallery where instruction as well as gratification and enjoyment are the objects for which the pictures have been collected together. I hope the Committee, after having had the amusement of listening to the observations of the noble Lord the Member for Haddingtonshire, and hearing the personalities of the hon. Member for Brighton, who has probably vented his long-pent-up stream of indignation against that amiable, accomplished, and distinguished man, Sir Charles Eastlake—I hope, now that those two hon. Members have had their swing on their favourite topic—that the Committee will gravely and seriously consider the question before them, and will, if they think that Parliament was right in wishing this country to possess a gallery of pictures worthy of its reputation, if they think that Parliament was right in having placed at the disposal of the Government, from year to year, a sum for the purchase of pictures—come to the conclusion that the Government has purchased for this National Gallery a picture of great value, which has long been an object of attention to everybody who has visited the country where it was placed, which the Government of that country was very much indisposed to allow to quit their territory, and the possession of which will do honour to this country, and conduce greatly to the promotion of those objects for which a national gallery is useful and valuable. I trust that the Committee will regard the subject seriously, and not put it on the narrow ground on which it has been placed by some hon. Members, but will consider that the question on which we are about to vote is, whether this country is to add to the collection in the National Gallery, or whether Parliament will altogether change the system which has hitherto been pursued, and decide that henceforth no addition shall be made to the national collection of paintings.

Motion made, and Question put, "That a sum, not exceeding £16,624, be granted to Her Majesty, to defray the Expenses of the National Gallery, including the purchase of Pictures, to the 31st day of March, 1858."

The Committee *divided*:—Ayes 89; Noes 194: Majority 105.

LORD ELCHO then said, that he was sorry to give the Committee the trouble of dividing again, but the last was not the question on which he wished to take their opinion. His Motion referred to the salaries of the Secretary and Travelling Agent, and therefore, as he deemed that of the Secretary, which was fixed at £750, to be exorbitant, he should propose that it be reduced to £500; while, regarding the office of Travelling Agent to be vicious in principle, and useless in practice, he should propose that that office, as well as the salary attached to it—£300 per annum—be abolished. With that view, he should move that the Vote be reduced by a sum of £550.

Question put, "That a sum, not exceeding £22,615, be granted to Her Majesty, to defray the Expenses of the National Gallery, including the purchase of Pictures, to the 31st day of March, 1858."

The Committee *divided*:—Ayes 123; Noes 161: Majority 38.

Original Question put, and *agreed to*.

The following Votes were also *agreed to*:—

(5.) £3,539, Magnetic Observations.
(6.) £500, Royal Geographical Society.
(7.) £1,000, Royal Society.
(8.) £3,050, Bermudas.

(9.) £6,878, British North American Provinces.

(10). £3,541, Indian Department in Canada.

VISCOUNT BURY said, that he rose in accordance with his notice to call the attention of the Committee to this subject, and to ask two questions of the Secretary of State for the Colonies. He trusted he should justify himself in the eyes of the Committee for so doing by saying that when he had the charge of the department in Canada, to which the Vote referred, he had been directed to draw up a Report as to the most practicable mode of withdrawing this Vote from the Estimates. That Report had been officially submitted to the Government through Sir Edmund Head, but had not been adopted by the Colonial Office, and, although he could not venture to complain of that, he wished to state the reasons why he dissented from the principle upon which the Vote was framed. In the Report which he had prepared he had pointed out that if it was necessary that this item should be omitted from the Estimates the best plan to adopt would be to pay down a certain sum which, if administered with proper economy, would render the Department self-supporting. His suggestion then not having been adopted, as he had stated, he was induced to lay before the Committee certain facts connected with this matter, in the hope of persuading the right hon. Gentleman the Secretary for the Colonies to reconsider the opinion which he had pronounced in his despatch. The present state of the Indian Department was by no means satisfactory, and might easily be amended by putting the whole charge of the Department upon the Canadian Legislature. The Committee was aware that the sum which used to appear on the Estimate had been greatly reduced, the sum which used to be employed in purchasing presents for the Indians having been no longer needed, and all the money now asked for was for the support of the Indian Department in Canada, so that the Vote which a few years ago was something between £12,000 and £14,000 had now dwindled down to £3,500. This country had assumed the care of the Indians in such a manner that to do away now with the support which was granted to them would assume the appearance of a breach of faith. He was aware that some persons said that the Indian tribes were in a moribund state, and the sooner they were destroyed the better; but the weakness of a dependent was no reason, in his opinion, for withdrawing all support after this country had assumed the care of them. Others, again, said that the presents to the Indians produced a demoralizing effect, and in that opinion he concurred, for he knew that as soon as the rifles or coats or blankets were given to them they used to sell them, and get very drunk with the money. He did not approve of the system of presents, but he could not assent to the principle of putting the whole charge of the Department on the Indian funds. Almost all the tribes in Upper Canada had had a reserve of land for their own use, which becoming more valuable from the spread of white settlements had been sold, and, the proceeds having been invested, had become a small annuity, and upon that fund it was proposed to place the whole charge of the Indian Department. The result of such a proceeding would inevitably be to swamp those funds. The books of the Department, containing registers of the land sales, were voluminous; the correspondence was very extensive; and the interests of a large proportion of the white population who had purchased lands from the Indians were involved in this question. That was one argument against the abolition of the department, but his principal reason for objecting to such a measure was the total ruin in which it would involve the red men. He would also ask the Committee to consider whether the Indian funds were capable of sustaining the burden which it was proposed to throw upon them. In 1855 the cost of this department exceeded £8,000, £4,777 of which was defrayed from the Indian funds, and the balance was provided from the Imperial exchequer. The proceeds of the Indian lands were about £9,000, and if the whole of this charge were thrown upon the Indians they would have only about £350 left for the support of 6,300 persons. The Indians, he must observe, could not enter into competition with white labourers, in consequence of their ignorance of the English language. With regard to the question whether the Imperial Government ought or ought not to support these Indians, he rested his case upon the practice which had hitherto been pursued. Great Britain, in dealing with the aboriginal tribes, had recognized a species of sovereignty in the red population, and had promised them protection in return for the territory they had ceded. During the American wars we had petted the Indians and made them most glowing promises, but when they were no longer useful as military allies our sympathy for them seemed to have ceased. A Committee of that House which sat in 1837 expressed an opinion that, as far as was practicable, the Indians should be placed solely and entirely under the control of the Imperial authority, and the same view had been taken by Lord Glenelg, Colonel Bruce, Lord Elgin, and others who had considered the subject. He (Viscount Bury) thought that if for the purpose of saving a trifling expense, they took this small sum from the remnant of a great people, they were submitting this country to great degradation. He thought they ought manfully to face this difficulty, and he would leave the matter in the hands of the right hon. Gentleman. He wished, before he sat down, to call the attention of the Colonial Secretary to the claims of the old officers of this department, who had entered it at a time when they were required to perform military services, and in the expectation that when they were invalided or were no longer fit for service some provision would be made for them. Four of these officers, namely, Mr. Chesney, Captain Anderson, Colonel Napier, and Mr. Ironside, had served with great distinction in the department for upwards of forty years, and he hoped the Government would consider their claims to retiring pensions.

MR. LABOUCHERE said, he was sure the Committee would be of opinion that his noble Friend had only taken a very natural and honourable course in pleading, in his place in Parliament, for those who were the special objects of his care when he was at the head of the Indian department in Canada. The noble Lord had on this occasion expressed similar opinions to those which he had communicated officially to the Government, and he (Mr. Labouchere) could only repeat the answer which he had given to the noble Lord in his official capacity. It was quite true that the expense of the Indian department had been in the course of regular and constant diminution for several years. He must say, however, that the House had not acted harshly or precipitately, but had always desired, in carrying out what they conceived to be just and proper principles, to do so with as little inconvenience as possible to those Indians whose interests were affected. Earl Grey, when Secretary of State for the Colonies, gave notice of his intention to withdraw the chief item of expense, the presents to the Indians. At that time the sum voted by the House was £13,000 or £14,000. All that was asked for this year was about £3,500. The chief point in dispute between himself and his noble Friend was as to the management of the Indian estates. His noble Friend thought that the cost of management should be defrayed by the Imperial Government, while he (Mr. Labouchere) held that, as a general principle, where estates were granted for a particular object, the cost of management ought to come out of the estates themselves, and could see no reason why this principle should be departed from in the case of the Indians. In considering this question he had had the benefit of two Reports,—one from his noble Friend, advocating the views which he had expressed in that House, and the other from his immediate predecessor, Mr. Oliphant, who entertained entirely opposite opinions. The able Governor General of Canada, Sir E. Head, would soon be in England on leave, and he (Mr. Labouchere) would discuss this subject with him and obtain his advice upon it. What his noble Friend suggested was that the Government should ask that House to vote a sum of £80,000, which should be invested in Canadian securities, and the interest of which should be devoted to Indian purposes. He (Mr. Labouchere) felt that such would not be a proper application of the funds of this country, and that he could not ask the House for any such sum. He himself felt the greatest sympathy with the Indians, whose welfare must, he believed, depend mainly on the conduct of the Canadians and of the Canadian Government, and it was therefore with much pleasure that he had that day learned that an Act had passed the Colonial Legislature, giving to the Indians the same political privileges as were enjoyed by the whites. He gave his noble Friend full credit for the ability with which he managed the affairs of the Indian department while he was at its head, and for the zeal with which he had brought this subject before the House. He could assure him that his attention would continue to be directed to this subject, and that it would be his anxious desire to do what was right by this very interesting portion of the Canadian population. As to the details of the pensions he was at present not sufficiently informed, but he would make inquiries into that part of the subject.

Mr. W. WILLIAMS said, that some years ago he visited some of these Indian settlements. He found the people exceedingly comfortable and very well spoken of by their neighbours. His impression was that the grant ought to be withdrawn.

Sir EDWARD BUXTON said, that the position of the Indians must mainly depend on the conduct of the Canadian Legislature. He hoped, however, that Her Majesty's Government would keep an eye on these Indians until they settled down into the habits of civilization.

Vote *agreed to.*

House resumed.

Resolutions to be reported *To-morrow.*

Committee to sit again *To-morrow.*

WAREHAM ELECTION—REPORT.

House informed, that the Committee had determined,—

That John Hales Calcraft, esquire, is duly elected a Burgess to serve in this present Parliament for the Borough of Wareham.

And the said Determination was ordered to be entered in the Journals of this House.

NEW ZEALAND.

COMMITTEE MOVED FOR.

Mr. LABOUCHERE moved for a Select Committee to inquire into the expediency of guaranteeing by Act of Parliament the liquidation of a loan to be contracted in pursuance of an Act passed by the Legislature of New Zealand for defraying the debt of the colony to the New Zealand Company, toward extinguishing the native title to lands in certain portions of the colony, and for other purposes. He said that the necessity for doing so arose from the difficulties which had arisen between the colony and the New Zealand Company. When he entered the Colonial Office, he found that the noble Lord, the Member for the City of London, had sanctioned an arrangement by which the company agreed to accept a sum of £200,000 in full of all claims on the colony. This amount has to be raised by a loan under the guarantee of this country. When the proposal came before the Colonial Legislature, those portions of the colony which were not involved in the transaction with the company objected to have this sum charged on the customs duties of the whole colony, but offered to agree to a loan of 500,000, if the balance was applied to general purposes. He thought it better to have the opinion of a Select Committee before he introduced any Bill to the House. But no time was to be lost, as the matter was urgent.

Motion *agreed to.*

Select Committee *appointed,*

"To inquire into the expediency of guaranteeing by Act of Parliament, the liquidation of a loan to be contracted in pursuance of an Act passed by the Legislature of New Zealand, for defraying the debt of the Colony to the New Zealand Company, toward extinguishing the native title to lands in certain portions of the Colony, and for other purposes."

House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, July 3, 1857.

Minutes.] Public Bills.—1ª Burial of the Dead within the City and Liberties of London; Inclosure Acts Amendment.

2ª Sites for Workhouses; Charitable Uses.

3ª Grand Juries (Ireland) Act (1836) Amendment; Turnpike Trusts Arrangements; Hanley Borough Incorporation.

Royal Assent.—Consolidated Fund (£8,000,000); Insurance on Lives (Abatement of Income Tax) Continuance; Ministers' Money (Ireland); County Cess (Ireland); Court of Exchequer (Ireland).

RATE OF EXCHANGE—INDIA.

The Earl of ELLENBOROUGH said, he saw by the newspapers that the Directors of the East India Company had altered the rate of exchange at which they were prepared to receive funds in this country for Bills drawn on the Indian Government. This alteration was merely a reduction of one farthing in the rupee, but it amounted to 2½*d.* in the pound; and its effect had immediately been to create a reduction in the price of bar silver and dollars, which of late had been exported to a considerable extent to India. It might be that the Court of Directors had adopted this step at the suggestion of Her Majesty's Government, in order to check the export of silver to that country, which had been increasing to an alarming extent; but whether the step had been taken on this ground or, by offering more favourable terms of remittance, to obtain a large accession of funds to the home treasury in this country, the effect upon the Government of India would be precisely the same. The Indian Government remitted the funds for home expenditure chiefly by two modes. It advanced the funds of India on the security of goods hypothecated to the Company, and on bills payable to the Company here; and it paid in India bills drawn by the Company in this country on account of money paid into the home treasury. Over the funds it remitted on the security of hypothecated goods the Government of India had power. It could limit the amount of those funds at its pleasure; but it had no power over the sums it paid in discharge of bills sent from this country. The revenue of India at the present moment was subject to three considerable dangers, the first of which was the non-collection of the revenue. There could be no doubt that the largest portion of the country above Agra was in such a state that the difficulty of collecting the revenue must be extremely great. In India no one paid if he could help it; and if it appeared probable that there would be a deficiency in the means of enforcing payment, the revenue would not be regularly paid. More than that, large as was the cash balance of the Government of India, it was by no means accumulated in two or three places, but was distributed and separated in the various treasuries in India. He regretted that there was reason to believe the mutineers of Delhi must have obtained possession of a sum of £400,000 or £500,000. He did not say that the whole of this sum belonged to the Government. The stock of the Delhi Bank must be included in it, but the largest portion of the sum must have belonged to the Government. These treasuries were dispersed all over the country, and when the Government was understood to have a sufficient force at its disposal for their protection they were perfectly safe; but when the contrary was the case, and when a state of things such as that which at present existed in India prevailed, there was no security that these treasuries might not be seized upon by parties who were anxious to enrich themselves at the expense of the Government. It was, further, the custom in India not to transmit money from place to place to any considerable extent by means of bills, but by escorts of military, consisting of regular troops, and occasionally by police. Under present circumstances the Government could not, however, altogether depend upon the regular troops, and therefore could not resort to them as a means of escort. It was therefore in the position of having to encounter great difficulties in the collection of the revenue—of being open to the inconvenience of having the money which was collected plundered—and of not being able to send it to the great centre from which payments were made, owing to the want of an escort on which reliance could be placed. Bearing in mind those triple difficulties, he should entreat the Government to consider most carefully the question whether it might not be expedient to leave it to the discretion of the Government in India whether they should remit or not the sums which might be necessary for expenditure in this country. There might be cases of emergency in which it would be absolutely essential for the Government of India to retain those funds in its own hands to provide for its own security. The Government in this country—the Court of Directors—had other means of supply, as, for instance, by the issue of India bonds or by the assistance of Her Majesty's Government, who, he concluded, would be ready to lend their aid in case of any emergency which might arise. His own immediate predecessor, as he understood, when the catastrophe which took place at Cabool occurred, had called upon the Court of Directors not to require him to make remittances to this country for a period of two years. The subject was one of no ordinary importance, and he wished, therefore, earnestly to call the attention of the Government to the question whether, by means of any extraordinary demand for money to be remitted to this country, the Government of India might not be precluded from taking those steps which, under existing circumstances, they might deem to be absolutely necessary for their own safety.

EARL GRANVILLE assured the noble Earl that the reduction in the rate of exchange was altogether attributable to the ordinary operations of commerce. There was no fear of any undue drain upon the Indian Treasury, as the amount of bullion in the hands of the Governor General was at present £10,000,000, while he had opened a loan of £3,000,000 to meet any contingency which might arise. He, however, quite admitted the importance of the subject, and the noble Earl might rest satisfied that the Government would take the necessary precautions to prevent the drain of money from India to any extensive extent, particularly under existing circumstances.

THE PEERAGE OF IRELAND—PROOF OF RIGHT TO VOTE.—RESOLUTIONS.

THE LORD CHANCELLOR rose, pursuant to notice, to move a Resolution with respect to the petitions of peers claiming a right to vote at the election of representative peers for Ireland, and said that in those cases in which the heir to a peerage in this country applied for a writ to enable him to take his seat in their Lordships' House, the course taken was simply to apply—nominally to the Crown, but, practically speaking, to the Lord Chancellor, who merely required that evidence of the marriage of the parents of the applicant should be produced, the expense of the whole proceeding amounting to from £5 to £10 only. When, however, a person succeeded to an Irish peerage, and claimed, not a seat in that House, but merely to have a record made of his right to vote at the election of representative Peers for Ireland, he had to pay, instead of £5 or £10, a sum amounting to between £100 and £150. That was a state of things which, in his opinion, called for a remedy, and the Select Committee which had last year sat to consider the subject had recommended that a measure should be introduced to Parliament with the view of removing the hardship to which he referred. He, however, having directed his attention to the matter, had come to the conclusion that it was not necessary to resort to legislation in order to accomplish that object. The matter was entirely within their Lordships' power. By the Act of Union all questions affecting the right to vote at elections of Irish Peers were to be decided by the House of Lords, and Orders of the House were drawn up at the time to govern the proceedings. A petition was presented; that petition was referred to a Committee of Privileges, and on that Committee it was usual for them to hear the party and his evidence by counsel at the bar. The consequence of that was, that very great expense was unnecessarily incurred. In ordinary cases there would be no more difficulty in determining who was the heir in the case of a claim to vote for a representative Peer than there would be in determining the heir of an English Peer who had the hereditary right to a seat in that House, and he thought that it would be desirable to assimilate the procedure in the two cases. The noble and learned Lord concluded by moving the following Resolution:—

"That all Petitions claiming a Right to Vote at the Election of Representative Peers for Ireland, by virtue of Peerages under which a Right to vote has been admitted by the House of Lords of the United Kingdom, be referred to The Lord Chancellor or Lord Keeper of the Great Seal to consider and report thereupon; and The Lord Chancellor or Lord Keeper is upon such Reference to consider the Matter of the said Petition, and to make his Report thereupon to the House.

THE EARL OF DONOUGHMORE complained of the burdens imposed upon the Irish Peers, and supported the Resolution.

LORD REDESDALE said, he thought that Legislative authority was necessary. The Act of Union directed that the claim should be decided by a Committee of Privileges, and did not contemplate the delegation of such a power to an individual, not even to the Lord Chancellor; and, by adopting this Resolution great difficulty would arise, and a most dangerous precedent be set. The matter ought to be referred to a Committee of Privileges, which, in fact, was the whole House, with this difference, that while three Members formed a House, seven Members were necessary to form a Committee of Privileges.

THE LORD CHANCELLOR said, that he did not propose that the House should be bound by the Report of the Lord Chancellor; the House could come to such conclusion as it might think fit.

On Question, *Resolved* in the *affirmative;* and the said Resolution ordered to be added to the Roll of Standing Orders.

MURDER OF MR. PRICE AT MELBOURNE.

ADDRESS FOR CORRESPONDENCE.

EARL TALBOT rose to move for correspondence relative to the murder of the late Mr. John Price, of Melbourne, Inspector of Convicts. He wished to call attention to this disgraceful and diabolical murder of a near relative of his. It was not necessary for him to go into the harrowing details of this barbarous transaction, but it would suffice to say that Mr. Price was in the execution of his duty among the convicts when they rose and literally stoned him to death, and made an attempt to do the same to the other officers present. It was, no doubt, the result of a plan and combination, and there was every reason to suppose that the plan was devised in consequence of a false and morbid sympathy out of doors for the persons who had murdered Mr. Melville, and who were acquitted on a point of law. He had a report of the inquest on Mr.

Price, which showed that there was a morbid sympathy for criminals in the colony, which required to be inquired into, and if possible put a stop to. The jury returned a verdict of wilful murder against fifteen of the prisoners, and they added, "that, in their opinion, one cause of the occurrence was the misplaced sympathy of the public for the persons in the case alluded to, which by some means had become known to the convicts, and had caused a spirit of insubordination to arise among them since the trial of the murderers of William Melville, in November last." Now, he (Earl Talbot) would venture to think that this was a subject which ought to be investigated by the Executive Government. Those convicts were sent out under sentence for heinous crimes, and it was the duty of the Executive Government to see that they were properly guarded, and kept from contact with the public out of doors, and free from those influences which had led to this catastrophy. Mr. Price's character was unimpeachable, and during the time he was an Inspector of Convicts in Norfolk Island he did his duty with equal kindness and firmness, and when the convicts were removed from that place the same duties were imposed upon him at Melbourne as he formerly discharged at Norfolk Island. He would read an extract from a Melbourne paper, which would give the House some notion of the feeling on the subject in the colony. The noble Earl read an extract, to the effect "that an attempt had been made by a party of long-sentence convicts to escape, in resisting which Mr. Price fell; insubordination was now the rule in the hulks; the convicts defied their custodians, and had got among them a copy of a report of a meeting of the citizens' committee, a self constituted body, at which Mr. Price was held up as a cruel, inhuman monster, and it had become the prison talk that the ruffians who murdered Mr. Melville had been acquitted; and these things having found their way into the hulks had produced such effects that the convicts were in a state of insubordination, under the belief that they had with them the sympathy of the public outside." At the inquest, Captain Blanchard, in his evidence, said, "that Mr. Price's manner was kind and almost fatherly; that since Mr. Melville's case his difficulties had increased; he had lost his control over the men, and yet he had to go among them; the sympathy of the press and the public had had a great effect on the men, and when Mr. Price refused them a request, it was always done kindly." The officers were unarmed, and the reason given for this was, that as there were only twelve or thirteen men to control 150 or 160 of these desperate ruffians, they were afraid that if they carried arms the convicts would seize them and turn them against themselves. It seemed that newspapers were allowed to get among the convicts. He thought he had said enough to prove that this was a case worthy of their attention, and he hoped that the Government would, not only for the sake of the Imperial Government, but for the sake of his lamented departed relative, take some steps to control those dastardly ruffians. He hoped they would lay on the table any correspondence relating to the matter which was in their possession, and give an assurance that the matter should be inquired into, and justice done to the memory of his lamented friend. He had heard that the Colonial Legislature had made a provision for Mr. Price's widow and orphans; and he had an additional claim on the sympathy of this country, as he had married a near relative of Sir John Franklin.

Moved, That an humble Address be presented to Her Majesty for Correspondence relative to the Murder of the late Mr. John Price, of Melbourne, Inspector of Convicts.

EARL GRANVILLE said, the noble Earl had justly characterized this case as a most diabolical outrage, and Her Majesty's Government would make every inquiry into the subject. He would be ready to lay the correspondence on the table.

Motion *agreed to.*

TRANSFER OF REAL PROPERTY.

MR. FAWCETTE'S PETITION.

LORD BROUGHAM rose to call the attention of the House to Mr. Fawcette's petition, presented on the 12th of June, and to beg the attention of their Lordships to the great difficulty and ruinous expense attendant on the practice of the law relating to the transfer of real property. Ten days ago he presented that petition from his learned and able friend, who had been many years a conveyancer of great eminence, was now a magistrate of the county of Cumberland, and who, with the late Mr. Aglionby, had prepared the Summary Jurisdiction Bill, which had effected so great an improvement in our criminal law. Their Lordships might recollect that he (Lord Brougham), in presenting the Carlisle petition, declined to bring in the Bill, conceiving it should originate in the Commons. Mr. Fawcette, in his present petition, addressed that House on the subject of the great grievance which landed proprietors and persons who wished to become purchasers of land suffered, owing to the state of the law and practice relating to the conveyance and transfer of real property. Mr. Fawcette stated, in support of a plan he proposed for a change in the law of real property, and particularly of registration of titles, his own experience as steward of a manor. He said that he had been for thirty years steward of one of the largest manors in England, containing some 400 or 500 tenements; during his stewardship nearly every tenement had been transferred by sale, or exchange, or death; and in every case the transfer was effected by means of a deed which contained on an average only 190 words; that there was no description of the parcels, except the number of the tenement in the manor book, and where it was situated; and never during the thirty years he was steward of that manor had any question of boundary, or identity of the parcels arisen; while the expense of the transfer amounted to—what would their Lordships think, who were constrained to pay for the transfer of one acre or a thousand acres £700 or 800? Why, to 7*s*. He did not mean to say that the expense of inquiry into title would ever be so small in the whole system of transfer of land; but he did say that this proved, at the very least, that a great and salutary change might be made in the law with respect to the conveyance of real property. The Master of the Rolls in Ireland had said, in his evidence before the Commissioners appointed to inquire into the state of the law of real property, that our system of conveyancing, and, indeed, our whole law relative to the transfer of real property, was one which might have been devised expressly for the purpose of rendering land as little an article of commerce and as little vendible and purchaseable as possible. The Legislature, the Courts, and the lawyers had created the system. [A Noble LORD: And the Attorneys.] His noble Friend said, that he ought not to forget the attorneys; he had included them among the lawyers. After the subject had been mooted in the other House, Bills were sent down from their Lordships' in 1852 and 1853, to that House, and were referred to a Select Committee. The result was a recommendation of the appointment of a Commission of learned lawyers, with some laymen, to inquire into the whole question connected with the conveyance of land. A Commission was accordingly appointed, and made a report, containing most valuable information and a number of most useful suggestions. Nothing could be worse than the present state of the law on this subject. Land, instead of being as easily transferable as bank-stock, was, owing to the principle and practice of our law, the most difficult article of transfer. In fact, it was in some cases actually impossible to transfer it. He, therefore, heartily rejoiced to hear that the Commission had recommended the introduction of two most important measures with respect to this subject, and he hoped his noble and learned Friend on the woolsack would comfort the House by letting them know that these measures were not only in the course of preparation, but were in a forward state. It was most judicious of the Commissioners to recommend that along with a measure for the registration of titles, there should also be a measure for the improvement of the law respecting the conveyance of land. Generally speaking, these important measures would meet with no great opposition, There might be some difficulty with respect to the registration of titles, from the want of the proper charts and maps. The Select Committee of their Lordships to whom the subject of registration was referred some years ago, had found that a great difficulty. But the Tithe Commissioners possessed a great body of maps and charts, as did the municipal corporations; so that he would fain hope there might be found a sufficient body of maps and charts to render legislation possible. He begged to direct their Lordships' attention to the working of the Encumbered Estates Court in Ireland, which had done so much good in that country—a point on which he had been mistaken when he at first supposed that it would not lead to beneficial results. In the period of five years ending in 1854, no fewer than 2,400 cases were tried and disposed of by that court. Of these 1,448 terminated in sale, and the value of the property sold amounted to £14,133,000. Great advantages were derived in Ireland from that court. In the first place, there was the excellent and indefeasible Parliamentary title to land which it afforded; then there was the cost of proceeding which was exceedingly light; but if it had been much larger, it would have been as nothing compared with the incalculable advantages obtained under the Act. So much were these advantages appreciated, that in many instances frauds were committed, in order to bring property under the operation of the Act. Perhaps they might be called pious frauds, though on that point he was not called to give an opinion; at the same time he might say, that as he did not believe there was such a thing as a white lie, so neither did he believe there could be a pious fraud. But, at any rate, frauds were committed. People trumped up debts—signed bills, for example, when there were no transactions, and made it appear that there were incumbrances on property, so as to enable them to come within the scope and the advantages of the Incumbered Estates Court. Now, why should inestimable benefits like these be confined to incumbered estates? Why should not the owners of unincumbered estates have similar benefits? The Commissioners on the law of real property had expressed an opinion in favour of the extension of the principle of the system of the Incumbered Estates Court, so that there might be some such court for the transfer of all property; and it was suggested that it ought to be done by an improvement in the procedure of the Court of Chancery. He thought the Commissioners were well advised in saying that some such system should be adopted in this country, though on the manner of making it there might be differences of opinion. The course recommended by the Commissioners was, that two Bills should be prepared, one for the improvement of the law on the transfer of land, and one for the establishment of a system of registration of titles. Whether we should ever get the benefit of a Parliamentary title to estates he could not say; but he had great hopes that, to a certain extent, this would be effected, and that there would be some statutory guarantee of title to land. The proposal of the Commissioners was, that as by the Acts passed many years ago an indefeasible title is given to all land purchased and sold under the Ordnance Department, compensation being given if within a certain period a claim was put forward for the land, the same principle might be applied generally. In other countries great facilities are given for land transfer, and he saw no reason why they should not go across the Channel to France for an example of legislation on this point. In that country the period of "limitation," as it was called, was ten years, whereas in our own country, it was thirty, and in many cases forty years. It was no doubt invidious to be asked to copy foreign institutions, but when those institutions were found to have produced great good, as the laws regulating the transfer of land in Ireland, in France, Belgium, and America had done, it would be most unwise not to avail ourselves of the examples which those countries afforded. He hoped the noble and learned Lord on the woolsack would be able to assure the House that Bills upon this subject were in a forward state, and would be speedily laid before Parliament. He would only add, that it was of the greatest importance that those who were intrusted, not only with the examination of titles to property, but who were to act as officers of courts where such titles might come in question, should possess a complete and accurate knowledge of their profession, and therefore he trusted that the Inns of Court would see the necessity of requiring all persons to undergo a compulsory examination before being called to the bar.

THE LORD CHANCELLOR said, he would admit that the subject introduced by the noble and learned Lord was both difficult and important. One of his first acts after he received the Great Seal at the beginning of 1853 was to ask their Lordships' sanction to a measure for facilitating the transfer of real property by establishing an effectual system of registration. That Bill, as his noble and learned Friend had said, was passed by their Lordships and sent down to the House of Commons; but in consequence of objections raised against it there it had not become law. The subject was referred by the House of Commons to a Committee, and they recommended that a Royal Commission should issue to consider the existing state of the Law, and to report their opinion as to what alteration was necessary. Towards the end of the same year that Commission was accordingly appointed, and the difficulty, as well as the importance of the subject might be inferred from the fact that though the Commissioners were not idle, they were occupied the whole of the years 1854, 1855, and 1856, and part of 1857, before they were able to make any Report satisfactory to themselves. Pending that Commission, and until he knew what they might recommend, he did not think it would have been proper for him to originate any measure. Nevertheless, in consequence of the length of time that elapsed before that Report was prepared, at the close of last year, he had prepared a measure which he thought could not possibly be at variance with the recommendations which the Commissioners might make, while, of itself, he believed the measure would be attended with great public benefit. That Bill he should soon be in a position to lay on their Lordships' table, and he would, with their permission, briefly explain its outline. One of the greatest sources of complication in reference to the transfer of real property was the mode in which mortgages, judgments, and other charges were dealt with. He proposed that when mortgages and judgments were given as securities charged upon real estate, the present complicated mode of procedure should cease; that any party being possessed of real property might charge upon it £5,000, £10,000, or any other sum; and instead of the instrument by which the charge was imposed, containing all the complicated provisions relating to power of sale, power of appointing receivers, and other matters, he proposed to enact that the mere charging of the land should carry with it as incidents all those provisions which were usually inserted in mortgages, and charges of a similar nature. He proposed, also, that there should be a register in the Court of Common Pleas of all such mortgages and charges, which would show at once whether the property was incumbered or not, and any one who proposed to purchase or lend money on land might ascertain exactly what charges were upon it. Considering the various uses to which real property was applied—as a future provision for families, marriage settlements, and other purposes—it was in vain to expect that they could ever make the transfer of such property as easy as the transfer of Bank stock; but at the same time there could be no question that the law in this respect might be materially improved. He pledged himself that during the recess the subject should receive full attention from the Government, and if, by the plan recommended by the Commission or by any other means, he could see his way to a real improvement, he should be prepared to introduce some measure for the purpose of carrying it out.

Lord CAMPBELL expressed his earnest hope that the law respecting the transfer of real property might be improved, and that it admitted of improvement there could be no doubt. He had hoped for some years that he should go down to posterity as the author of a general measure for the registration of real property; but that hope, like many others, was destined to disappointment. He was glad, however, to find that the cause had not been abandoned, and he should be most willing to lend his aid in carrying out such an improvement as that which had been suggested by his noble and learned Friend. Another improvement he had taken much interest in was the compulsory examination of students for the bar, and that also he hoped yet to see carried out.

Earl FITZWILLIAM suggested that in any measure that might be enacted for establishing a new and more simple form of conveyance, not only should the new form be made legal, but the old form declared to be illegal. The certainty that the old form would not be recognized in law, would induce people generally to adopt the new form. He trusted also that no system of registration would be established that would afford facilities for gratifying mere curiosity.

SALE OF OBSCENE BOOKS, &c., PREVENTION BILL.

COMMITTEE.

Order of the Day for the House to be put into Committee, read.

Lord CAMPBELL, in moving that the House go into Committee upon the Bill, said, he was sorry he could not meet the convenience of some of their Lordships by postponing the Committee on this Bill, but he felt he would be guilty of a dereliction of duty if he were to do so; for, unless he pushed forward the Bill that evening, he would be unable to carry a measure that Session which he believed to be urgently demanded. On the occasion of his moving the second reading of the Bill, he was so much surprised by some of the criticisms that he had to encounter that he had made up his mind to abandon it altogether; but since then he had received such strong solicitations to proceed from various Members of that House, from clergymen of all denominations, from many medical men, from fathers of families, and from young men who themselves had been inveigled into those receptacles of abomination against which his Bill was directed, and had suffered most lamentably from that catastrophe, that he thought it his duty to persevere; and he had the hope that from the alterations in the Bill which he would shortly state to their Lordships, it would not meet with further opposition. He was sure that the Bill was opposed in the first instance only from a misapprehension of its object. He had no desire whatever to interfere by legislation with books, or pictures, or prints, such as were described to their Lordships the other evening as being endangered by this measure. The keeping, or the reading, or the delighting in such things must be left to taste, and was not a subject for legal interference; but when there were people who designedly and industriously manufactured books and prints with the intention of corrupting the public morals, and when they succeeded in their infamous purpose, he thought it was necessary for the Legislature to interpose and to save the public from the contamination to which they would otherwise be exposed. He now knew more certainly than he did before, that there were receptacles for the sale and exhibition of these abominable books and prints, which had the most lamentable effect, and which the law as it stood at present was altogether insufficient to put down. An indictment might be preferred, and a conviction obtained, but after the conviction the sale from the very same shop, by reason of the advertisement which the indictment published to the world, was more rapid and more fatal than before; and the only chance of putting an end to these abominations was to give a right—with all proper limitations, so that there should be no danger of abuse—to search the deposits of objectionable books and prints, to seize them, and to burn or otherwise destroy them. He knew that such receptacles did exist, and he was convinced that they could be readily reached if the proposed power were given, and that his measure would work easily and be most effectual. He did not wish to create any new offence, but to leave the common law—by which it was a misdemeanour to publish such abominable books or prints—as it stood—the object being to give facilities for seizing obscene publications and destroying them. He had already explained to their Lordships the stringent powers which existed with respect to gambling houses; and Customs' officers, under the powers they possessed, had repeatedly seized large importations of indecent books and prints; but in Holywell-street the keepers of these abominable publications set decency and law at defiance. If there were the same powers of searching for these books as for "uncustomed goods," or as in gambling houses for dice and cards, the public might be relieved from these contaminations. Having been very ably assisted, he had introduced some modifications into the Bill, so as to prevent its being obnoxious to any objection. The operative part consisted of two clauses: one was to empower justices of the peace, upon an affidavit being made that there was reason to suspect that these publications were kept in a house for sale and exhibition, to grant a warrant for searching; the other clause empowered the Chief Commissioner of Police, where he had reasonable information that these books were kept, to grant a warrant of the same kind. He believed that the liberties of the subject would be in no danger if Sir Richard Mayne had the same power which was possessed by the head of the police in every capital in Europe. That power had, however, been objected to, and he had been obliged to abandon this provision, which he did on the principle that half a loaf was better than no bread. Into the other clause he had introduced modifications which he believed to be unnecessary, but which would be harmless. The Bill, as it originally stood, only required an affidavit that the person making it had reasonable ground to suspect that these books were kept for sale and exhibition. The Bill as now amended, required that the complainant should swear that he had reason to believe, and did believe, that these books or prints were kept in store for sale or exhibition. Another Amendment enacted that the complainant should set forth the facts on which he entertained that belief, and if the justice were satisfied on these facts that the books and prints were kept as alleged, he might issue his search-warrant, with this additional guard—that he must be satisfied they were such books and prints as that their publication would constitute a misdemeanour by the common law. There was also this further security, that the magistrate must not only be satisfied that the publication of these books and prints was a misdemeanour, but a misdemeanour which ought to be prosecuted by indictment. He had been asked what he proposed to do with these indecent publications, and he therefore proposed that after condemnation they should be burnt or otherwise destroyed. He would not enter into details of the appalling extent to which the sale of these publications was carried, but would move that the House do now resolve itself into a Committee on the said Bill.

Motion *agreed to*. House in Committee accordingly.

LORD CAMPBELL said, he would ask their Lordships to agree to the clauses *pro formâ*, in order that the Amendments he had made might be printed.

THE LORD CHANCELLOR suggested that the Bill should make it an indictable offence against the party in whose possession these books and prints were discovered, if a jury found that they were kept for sale.

LORD CAMPBELL said, it had been held by the Court of Queen's Bench that it was an indictable offence to procure these books and prints for circulation, just as it was an offence to procure false coin for circulation. He therefore held it unnecessary to introduce such a provision; but if his noble and learned Friend thought otherwise he had no objection to adopt the suggestion.

Amendments made: the Report thereof to be received on *Monday* next.

House adjourned at a Quarter past Seven o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, July 3, 1857.

MINUTES.] PUBLIC BILLS.—1° Public Health Act (Aldershot); Land Tax Commissioners' Names; Boundaries of Land (Ireland).

2° Probates and Letters of Administration (Ireland); Glebe Lands (Ireland); East Quay Wall Tax (Dublin).

THAMES AND MEDWAY CONSERVANCY BILL—CONSIDERATION.

Order for the Consideration of this Bill read.

SIR JAMES GRAHAM said, this Bill had for its object a purpose which he conceived was most legitimate—namely, the compromise of a suit long pending between the Crown and the Corporation of London with reference to the shores and bed of the river Thames within the limits of that Corporation. His attention had been drawn to this Bill by the Report of the Board of Trade. He had already stated to the House his strong opinion that the Board of Trade was the guardian of the public rights, and in the faithful discharge of its duties the Board frequently came into collision with powerful bodies, and had to make statements before the House and Committees of the House which sometimes were disagreeable to the private parties and corporate bodies whom those statements affected. In this case he believed the Bill was not opposed; but it went before a Select Committee, and there was also sent to that Committee a Report of the Board of Trade. There were two points in this Bill, which, although the Bill was a private one, were of great public importance, and involved an important public principle. The first was in reference to the constitution of the body of conservators, and the second in reference to the application of the funds raised from shipping by that body. Now, with respect to the first point, he saw on the Treasury bench his right hon. Friends the Secretary for the Colonies and the Chancellor of the Exchequer, who, in 1854, were Members of a Commission to which was referred the question respecting the rights and charters of the City of London, and in that investigation this question of the conservancy of the river was brought before them, and in their Report they expressed an opinion which was set forth in the Report of the Board of Trade, and was to this effect:—They recommended that the principal control of the navigation of the Thames should be vested in a Board composed of the Lord Mayor, the First Lord of the Admiralty, the President of the Board of Trade, the First Commissioner of Woods, and the Deputy Master of the Trinity House, and that they be empowered to employ persons having the requisite professional knowledge. Now, this Bill provided a body of conservators composed altogether of other people. It was proposed that the conservators should consist of the Lord Mayor of London, of two conservators chosen by the Court of Aldermen, and four by the Common Council, and that there should be four or five others, one being the Deputy Master of the Trinity House, two or three recommended by Government, one by the Board of Trade, and one by the Corporation of the Trinity House. It would be observed that in this composition the corporate element of the City of London would at all times have a majority. There would be seven corporators, and if all the other members were on all occasions to act together, yet the Government would be in a constant minority. This was in opposition to the general principle involved in the recommendation of the Report of the Commissioners on Charges on Shipping. The Board of Trade, adopting the views of the Commissioners who had sat on this subject, stated that they had thought it right to report upon other harbour Bills in the present Session, and from these Reports it would be seen they were of opinion that the body to whom any great harbour should be entrusted should possess all the legal powers requisite for the management of the harbour and all matters relative thereto, and also the knowledge and experience requisite to the due performance of its duties, but above all that it should be responsible for their due performance. The present Bill appeared to have none of the above conditions; the new body would not be the sole body having the conservancy of the Thames, and would not possess all the powers requisite for the due performance of its duties, the Government nominees would be in a minority, and, as against the members chosen by the London Corporation, would possess no power. It would, therefore, be impossible to hold them responsible for the conservation of the river. The Corporation of London would continue to exercise the local power, whilst it would be no more responsible, but would be far less responsible in the exercise of it than at present. That was the opinion of the Board of Trade with regard to the new conservators. But he had said there was another principle hardly less important—namely, the application of the funds to be raised, and especially if those funds consisted in any degree of dues raised from shipping. The Bill imposed certain new tolls on steamers plying on the Thames. Now, the Report stated that these dues were undoubtedly taxes on the trade of the port, and according to the Report of the Commissioners on local dues on shipping they ought to be abolished or applied to harbour purposes. In the latter case they would naturally form part of the conservancy fund. Now, so far from this recommendation of the Board of Trade being adopted, he believed that by the provisions of this Bill the dues in question were to be carried to the general conservancy fund, and so far from the surplus fund being applied to the reduction of the dues, there was another application of that surplus fund which showed that it was not contemplated to apply them to that purpose. He attached the greatest importance to the principle that these bodies should, as far as possible, be elected and not nominated—elected by those who contributed to the fund, and not nominated by those close bodies which had heretofore maintained the control over it; and secondly, he held that another great principle was that the dues levied on shipping should not be exacted to any greater extent than shipping purposes required. These principles were upheld in a Bill introduced by the Government last year, which gave full effect to the Report of the Commissioners, not only as regarded the conservancy, but in all other particulars. He was, therefore, anxious to hear some explanation from Her Majesty's Government accounting for that departure from these principles which was manifested in the present measure. He believed there were peculiar circumstances in reference to the compromise with the Corporation of the City which might make this a special case; but as he attached great importance to the principles involved, he trusted Her Majesty's Government would state to the satisfaction of the House why that departure was in this instance necessary, and express their determination to give validity to the recommendations of the Commissioners of the Board of Trade on all suitable occasions.

THE CHANCELLOR OF THE EXCHEQUER said, he trusted that he should be able to satisfy the House that no departure from the principles laid down in the Report of the Corporation Commission had been assented to by the Government, and that the only variation which had been assented to was one of detail, and not of principle. The arrangement embodied in this Bill was intended to put an end to a long-pending difference between the Crown and the City of London with respect to the rights of the Crown over the bed and shores of the Thames. The Crown was advised that it was entitled to—that it had a property in the bed and shores of the Thames, and whatever revenue might accrue from leases of the land between high and low water mark. Practically, all the benefit of that land had accrued to the City of London, and the receipts had been applied to the conservancy of the river. The City of London claimed the property in the soil of the river in right of the conservancy. The case of the Crown was, that the title to the bed and shores was independent of the conservancy, and though its advisers did not dispute the right of the city to the conservancy, they asserted that the Crown held the bed and shores by an independent right; and thus the question stood at issue between the Crown and the Corporation. Those rival claims led to a long litigation, which threatened to be most expensive, and an attempt was made in 1846 to settle the question. In that year a conference took place between the noble Lord the Member for the City of London, who was then First Minister, Lord Morpeth, Chief Commissioner of Woods and Forests, and Lord Auckland, First Lord of the Admiralty, the result of which was, that a Bill for the settlement of the debated question was agreed upon and a new constitution of the Conservancy Board was also agreed upon, to consist of fifteen conservators, ten to be nominated by the corporation and five by the Crown. In 1847, that Bill was introduced and committed, and recommitted, but owing to the lateness of the Session it did not pass into law. Subsequent negotiations took place with regard to the litigation, and attempts were made by successive Attorneys General to bring it to an end. It remained, however, pending till the end of last Session, and during the inquiry into the corporation by the Commission, of which his right hon. Friend the Secretary of State for the Colonies, Sir John Patteson, and himself were Members, it was agreed that the Commissioners should not go into the question respecting which the litigation was pending, and accordingly they only went into the question of conservancy. Well, as he had before observed, the litigation was pending up to the end of last Session; and it was thought very desirable that the litigation should be terminated, inasmuch as the conservancy of the river was to a great extent paralyzed from a want of those funds which were applied to the defence of the corporation against the claim of the Crown. A conference accordingly took place between himself on the part of the Government, and Mr. Stuart Wortley, the then Recorder of the City of London on the part of the Corporation, and the result was an agreement, by which the City recognized the right of the Crown, which it had previously contested, and the Crown consented to two-thirds of the revenues arising from the bed and soil of the Thames, being paid to the Conservancy Board, the other third to be paid to the Crown. It was also determined that, on these terms the litigation should cease, that a Board of Conservancy should be created, in which the Government, together with the Trinity House, should be more strongly represented than had been previously agreed to by the Corporation; that all the funds necessary for maintaining the conservancy should be furnished, as heretofore, from the dues levied upon the port and other sources of revenue accruing to the Corporation; that the whole of the debt which was due for the portion of the river above bridge should be paid by the Board; and that no liability should be accepted by the Government. It was also agreed that the portions above and below bridge should be consolidated, whereas previously they had been distinct. That agreement was embodied in a Treasury Minute, drawn up at the end of the late Session of Parliament. The first portion of that Minute declared that—

> "The Department of Woods, Forests, and Land Revenues, and the Corporation of London, shall complete the agreement for putting an end to the suit as settled by the Attorney General in 1854, according to which the right of the Crown in the bed and shores of the river, with the exceptions specified in the agreement, were to be granted to the Corporation, as conservators of the river, upon trust to pay to the Crown one-third of all moneys arising from the bed and soil, and to apply the other two-thirds to the improvement of the navigation and banks of the river."

There was a further stipulation respecting the constitution of the Board, and then the Minute went on to say—

> "That the whole river should be under one management, and the funds of the two portions of the river brought into common stock, and placed at the disposal of the Conservancy Board, for the maintenance and improvement of the navigation, both above and below bridge."

And it was further provided that—

> "When all the said revenues of the river are transferred to the new Board, the Board should take upon itself the burden of the existing debt, which has been incurred in the maintenance and improvement of the upper portion of the river."

That debt at one time amounted to £199,900, but by successive payments it had been reduced by £69,000, leaving a sum of £130,900 now due. It should also be stated, that the Corporation of London had expended £50,000 of their own money within the last few years in improving the navigation of the River Thames above London Bridge. Under these circumstances, he submitted that it was an advantageous arrangement for the Government that they should retain one-third of the revenue arising from the bed and shores of the river, that the remaining two-thirds should be devoted to the improvement of the navigation, that the debt should remain a charge upon the Conservancy revenue, and that those sums which the City had been in the habit of bestowing, from time to time, upon the improvement of the conservancy, should continue to be furnished from their resources. The only remaining question was, as to the construction of the Conservancy Board. Now, this Bill certainly did not comply with the principle laid down by his right hon. Friend—namely, that the Board ought to consist of elected members. It should be remembered, however, that the Board, as suggested by the Report of the Commissioners, also deviated from that principle; for they recommended that the Board should consist of high officers of the Crown, who were not to be supposed to superintend the details, but who were to be invested with authority to employ the services of subordinate officers who should perform that duty. It was thought better that there should be nominees, both of the Corporation and of the Government; that the Corporation should appoint seven conservators, the Lord Mayor being one, the Aldermen furnishing two, and the Common Council four; that the Admiralty should appoint two, the Board of Trade one, and the Trinity House two. Considering that the Government did not furnish any new funds for the improvement of the conservancy, it appeared to him that this arrangement gave them a fair share in the representation at the Board. The principle which he contended for was, that the Conservancy Board should not be exclusively a Corporation Board, but that the Government and the Trinity House should be adequately represented there. This would not be a question of mere preponderance of numbers, as between the seven and five members nominated by the Corporation and by the Government with the Trinity House respectively. Where a Government was represented at a Board, its members always obtained that weight and authority which naturally belonged to their position as representatives of the executive power, so that this was not a point of mere arithmetical proportion. If, however, it should be found on experience that the views of the Government were unduly overruled by the Corporation members, and that the interests of the public were sacrificed to any corporation interests, it would undoubtedly be the duty of the Government representatives to bring the matter under the consideration of the Executive, who, if they found that the constitution of the Board as now proposed was unsatisfactory, would then feel called upon to adopt other measures. He confessed, however, that he did not anticipate any such consequence, and believed that the Board, as constituted, would work satisfactorily. On the whole, then, he thought that the Bill was one to which the House might give its consent with the greatest propriety.

SIR HENRY WILLOUGHBY said, he wished to inquire whether the Corporation had agreed to pay any money to the Government for its concurrence in this measure?

THE CHANCELLOR OF THE EXCHEQUER repeated that Government was to receive one-third of the revenue of the soil of the river.

MR. LOCKE KING said, that whatever might be the merits of the case, the House had heard sufficient, he thought, to satisfy it that the question was one of great importance; and in order that it might receive the consideration it merited, he moved the postponement of the second reading until this day week.

Motion made, and Question proposed, "That the Debate be now adjourned."

MR. W. WILLIAMS said, that complaints had been made, and not without very strong reason, of the mismanagement of the Thames conservancy, by the Corporation. In 1836, he remembered, a Committee of this House was appointed to inquire into the subject, and the opinion of that Committee was very strongly expressed that an entire change ought to take place, and that the powers vested in the Corporation should be handed over to persons holding high office—for example, to the First Lord of the Admiralty, the President of the Board of Trade, the Deputy Master of the Trinity House, and the Lord Mayor. He believed the Government at that time intended to carry out the recommendation of the Committee, but there was some talk of a reform of the Corporation, and the whole thing was deferred. Now, he thought the same course should be adopted on the present occasion. They had been recently again promised a reform of the Corporation, which, for some reason or other, had been delayed, and this question of the Thames conservancy ought to be postponed, and to form part of the measure contemplated, if, indeed, the Government had not altogether abandoned their intention to bring in such a Bill.

MR. LABOUCHERE said, that he

should oppose the adjournment of the debate, on the ground that all the facts were before the House, and that hon. Members were as perfectly able to form an opinion on the merits of the Bill then, as they would be in a week's time. For his own part, he entirely concurred in the principle laid down by his right hon Friend (Sir J. Graham). As a general rule, he believed it was most important that all taxes levied upon commerce in this country should be devoted to strictly commercial purposes, and should be expended under the management of an independent and responsible Board. This general principle, he hoped, would not be lost sight of by the House, and any departure from it in the present instance could only be justified by the special circumstances of the case. Into these circumstances he should not enter; they had been fully stated by his right hon. Friend (the Chancellor of the Exchequer), who had proved beyond doubt, he thought, that in the present case they had to deal with a very complicated state of things, and with circumstances of complete speciality, and that the Government were justified in the course they had taken. At the same time, he should be sorry if this course should lead the House to relax their adherence on future occasions to that which, as a general rule, ought always to be kept in view.

Sir DE LACY EVANS said, that he was in the position of four-fifths probably of the Members of the House, and knew nothing of the provisions of this private Bill. Before the House decided upon passing it, they should know what power of taxation it conferred upon the Corporation; and next, they should also take care that the Corporation levied not one farthing more upon shipping than was actually required for the conservancy of the river. There might be clauses in the Bill to meet these points; but the House should have time to investigate the matter, and he should therefore vote for the adjournment of the debate.

The CHANCELLOR of the EXCHEQUER did not understand that the Bill conferred any new powers upon the Board of levying taxes. It merely transferred the existing dues, and according to the last return he found that the amount expended upon the conservancy of the river in one year exceeded by £2,844 the amount received from dues; while one of the advantages of the new arrangement was that the City had been induced to continue the practice, which it had followed for several years past, of supplying the deficiency from its other revenues.

Mr. HENLEY said, he hoped the House would not assent to the Motion for adjourning the debate. He saw no good that could arise from the adjournment, and thought the House quite competent to decide upon the question at once. He could not forget that there had been twelve or thirteen years of useless litigation between the Crown and the City respecting certain rights; that that litigation had continued all the time without the courts of law being able to come to a final decision; and that it might still continue for another twelve or thirteen years but for the arrangement proposed by this Bill. So far as he understood the measure, the Board appeared to be fairly constituted. He did not see that there was any likelihood of jobbing either on the part of the Crown or the Corporation; for they were pretty well guarded on both sides. In fact, one party would be sure to show up the other, if any attempt were made to do what was wrong or unjust to the public. Under the circumstances, he confessed that he regarded the arrangement, on the whole, to be a favourable one to all parties; for it must be borne in mind that the rights were disputed in the first instance—that the actual right to the shore of the river was disputed. As far as the Corporation were concerned, the Bill fully guarded against their taking a farthing of the money for themselves, but every farthing would have to be laid out in the proper conservancy of the river.

Sir JAMES GRAHAM said, that, as the adjournment of the debate would impede the progress of the Bill, he ventured to recommend that the opinion of the House should be taken upon the third reading; and in the meantime he hoped that hon. Members would read the Report of the Board of Trade on the measure as it stood. He thought that the constitution of the Board of Conservancy was objectionable, inasmuch as it gave an invariable standing majority to the Corporation. It was moreover at variance with the recommendation of two Cabinet Ministers—the Chancellor of the Exchequer and the Secretary of State for the Colonies—and with the measure introduced last Session by the Government, which adopted the recommendation of the Commission, and named a chosen body, in which the Corporation had only one representative, in the person of the Lord Mayor. He had not studied the Bill, except through the Report of the Board of Trade, but, as he understood it, there was in it a new power of taxation upon shipping above bridge, and upon all steamers plying between Putney and Teddington. There was also an application of any surplus arising from dues, which he thought was objectionable. The Board of Trade recommended that if the surplus increased the dues should be lowered, but the Bill applied it in another way. Moreover, the measure appeared to him to have a most important bearing upon the coal dues, the corn metage, and all the great questions of taxation affecting the interests of the Corporation of London. It was called a private Bill, but a more important public measure, involving great public principles, had seldom been brought under the consideration of the House. He had discharged his duty in having called the attention of the House to it. It would not be reasonable, he thought, to arrest the progress of the Bill in its present stage, but he suggested that the sense of the House should be taken with respect to it upon the third reading.

Sir JOHN SHELLEY asked the Government to give an assurance that the third reading should not be fixed for an earlier period than that day week.

Sir GEORGE GREY said, that no doubt it was desirable to give sufficient time for the consideration of the Report of the Board of Trade to which his right hon. Friend had referred. The Bill was not a Government Bill, however, but was promoted by one of the hon. Members for the City of London, who would perhaps fix a day for the third reading.

Sir JAMES DUKE said, he begged to assure the House that the Corporation intended this Bill to confer a benefit upon the mercantile classes and upon the public generally, and if he did not believe that that would be its object he should wash his hands of it and give it no support. The Corporation had expended no less than £50,000 beyond their receipts in the improvement of the river Thames, and they were willing to provide that sum out of their general income. They also had a further debt of £137,000 on bond arising from expenses incurred about the upper navigation of the river. They desired to work cordially with the Trinity House, with the Board of Trade, and with the Government; they had no corporate interests to serve in the matter, and their only work was to improve the navigation of the river, and to confer a benefit upon the commercial interests of the City. He also begged to remind the House that the Corporation was in a different position to what it was some years ago, for now every resident freeman of the City had an opportunity of voting, and that was a sufficient check to prevent jobbing. If the Bill were read a second time, he would have no objection to appoint the third reading for Tuesday next. If he delayed it to a later period the Bill could not be introduced into the House of Lords this Session.

Sir GEORGE GREY said, that after next Wednesday no private Bill could go up to the House of Lords from this House; so that if the third reading were postponed until that day, it would be tantamount to defeating the measure.

Mr. LOCKE KING said, he would withdraw his Amendment.

Motion, by leave, *withdrawn;* Amendments made; Bill to be read 3°.

TEWKESBURY ELECTION.

House informed, that the Committee had determined,—

That John Martin, esquire, is duly elected a Burgess to serve in this present Parliament for the Borough of Tewkesbury.

And the said Determination was ordered to be entered in the Journals of this House.

THE ADJOURNED INDIAN DEBATE.

QUESTION.

Lord CLAUD HAMILTON said, he would beg to ask the first Lord of the Treasury, what day he will give for the conclusion of the Indian debate, the adjournment of which, on the 23rd June, was agreed to by the President of the Board of Control on the ground of the great importance of the subject? He would also beg to ask, whether the noble Lord did not consider the importance of the debate much increased by the recent news from India?

Viscount PALMERSTON: Sir, I must correct the recollection of the noble Lord, who seems to imagine that my right hon. Friend the President of the Board of Control, consented to the adjournment of the debate, solely upon the ground of the importance of the subject. Now, I think the reason the debate was adjourned was, because it happened to be between twelve and one in the morning: and as many hon. Gentlemen wished to speak, it was impossible to resist the Motion for the adjournment. I confess, Sir, that I do not exactly see the connection between the important news which has lately been received from India and the promotion of the growth of cotton on the north-west coast of that country; but that is not material. I am afraid I cannot consent to the request of the noble Lord to name a day, because we have a great many Bills of importance which it is most desirable to advance; and there are a great many Votes in the Estimates which have not yet been considered. I am afraid, therefore, that those who wish to take part in the discussion to which the noble Lord refers, must find a time for it themselves.

REPORT ON SCIENCE AND ART.

QUESTION.

SIR DENHAM NORREYS said, he wished to ask the Secretary to the Treasury, why the Fourth Report of the Department of Science and Art has not been issued to Members with their Votes as in previous years; why it was not issued to Members before the 1st day of July (and then only on special application at the office for the sale of papers), the Estimate for the Department of Science and Art having been voted on the 29th day of June; and whether arrangements cannot be made to have the future Reports of the Department issued to Members at such a period of the Session as shall allow examination of the Report previous to the Estimate for the Department being voted by the House?

MR. WILSON said, the delay in presenting the Report arose from some mistake, in consequence of the Department of Science and Art being in the present year transferred from the control of the Board of Trade to that of the Board of Education. The reason why the Report was not issued to hon. Members was, because the Printing Committee had decided that papers presented by command, and being of a voluminous nature, and not in many cases of general interest, should not be distributed like the other Parliamentary papers, but should be given to hon. Members on application.

SIR DENHAM NORREYS said, he thought it desirable that some notice of the papers presented by command should be given to Members.

MR. WILSON said, he thought so too, and he would suggest that a list of such papers as were ready should be specified in the daily Votes distributed to Members.

ORDNANCE SURVEY OF SCOTLAND.

QUESTION.

SIR DENHAM NORREYS said, he would now beg to ask the Secretary to the Treasury, when the Supplemental Estimate for the Ordnance Survey of Scotland will be presented to the House, and whether any orders or instructions have been issued to the Ordnance Department in respect of the scale on which the Survey of Scotland and England is to be drawn in future?

MR. WILSON said that, in reply to the first question, he believed the Estimate would be presented to the House within a fortnight. With regard to the second question of the hon. Baronet, he begged to state that, after the decision at which the House arrived the other evening, the Treasury received from the Ordnance Department a letter requesting to be informed what course they should pursue. The Treasury replied to the effect, that in accordance with the decision of the House, all future works which were not now actually commenced must be drawn upon the six-inch scale, and so long as the House continued to entertain its present views, that course would be implicitly followed. In order, however, that hon. Members might be satisfied on the subject, he had moved for the production of the letter from the Ordnance Department, and the reply of the Treasury, and he believed they would be in the hands of hon. Members to-morrow morning.

COMMUNICATION BETWEEN LONDON AND DUBLIN—QUESTION.

MR. CORRY said, he would beg to ask the Secretary to the Treasury, whether the Government has accepted the conditions of a contract for an improved Postal and Passenger Communication between London and Dublin?

MR. WILSON said, he hoped that an arrangement had at last been effected on the subject. Only one point still remained to be settled, and he could not believe that there would be any difficulty in concluding a satisfactory arrangement between the North-Western Railway Company and the

Post Office. He would, in a few days, be able to lay the formal conditions of the contract upon the table; but the outlines of the arrangement were, that four vessels of 300 feet in length, of 1,700 tons burden, and of 600 nominal horse power, capable of working up to 3,000 horse power, should be provided for the service, so that the passage should be performed within three hours and three quarters. The whole journey between London and Kingstown was to be performed in eleven hours, and between London and Dublin in eleven hours and a half each way. The periods of arrival and departure would be stated in a Minute, which he hoped to be in a condition to lay upon the table in the course of a few days.

Mr. VANCE said, he should be glad to know when the new arrangement would come into operation?

Mr. Wilson's reply was inaudible.

TREATMENT OF LUNATICS.

QUESTION.

Mr. DRUMMOND said, he wished to ask the Secretary of State for the Home Department, what report he received from the Commissioners of Lunacy with regard to the complaint of Thomas Tilley, that he had been confined in an iron jacket in a dark room for seven weeks in the Beverley Retreat for lunatics near York, to which Commissioners the said complaint was sent for investigation?

Sir GEORGE GREY said, several months ago he received a complaint of the treatment to which Thomas Tilley had been subjected, not in the Beverley Retreat, alluded to by the hon. Member for West Surrey, but in the Gate Helmsley Lunatic Asylum, near York, which he referred forthwith, according to the usual practice, to the Commissioners in lunacy for the purpose of investigation. Two of the Commissioners were immediately deputed to make a full inquiry into the case, and they reported the result to the Board. The Board sent him extracts from that Report; but a copy of the entire Report with Minutes of the evidence was sent to the committee of visitors of the asylum. The extracts received by him fully confirmed the statements as to the use, in the case of this patient, of means of restraint and other treatment which the Commissioners strongly condemned; but it did not appear, however, that the confinement had been in a dark room, or had lasted so long as seven weeks. The iron jacket, too, did not belong to the asylum, but had been brought to it with a patient from York. It also appeared that the conduct of the patient Tilley was of the most violent description, and that he had escaped no less than six times, and while at large had committed acts of the greatest violence. The Commissioners also stated other extenuating circumstances, speaking favourably of the general management of the asylum, though they passed a severe censure upon the conduct adopted with regard to this patient. He was informed that the Commissioners had since again visited the asylum, and satisfied themselves that due care was now taken against the recurrence of any similar practices; and he had no doubt the inquiry would produce very beneficial results.

On the Motion "That the House at its rising adjourn till Monday,"

THE RED RIVER SETTLEMENT.

QUESTION.

Mr. WYLD said, he believed that a body of troops was about to be sent from Canada to the Red River Settlement. The distance from the place of embarkation to the Red River Settlement would, by the ordinary route across the lakes, be about 1,200 miles; but it was stated that the troops were to be sent up the river St. Lawrence, round the shore of Labrador, and landed on the eastern shore of Hudson's Bay—a distance of 4,200 miles. He believed that a very strong feeling was entertained on this subject in Canada, as Canadian merchants had offered to convey the troops without expense to the Government to the eastern shore of Lake Superior; he would, therefore, beg to ask the Under Secretary for War whether it is the intention of the Government to adopt the shorter or the longer route?

Sir JOHN RAMSDEN said the hon. Gentleman was perfectly correct in stating that a detachment of troops was being sent round to the Red River Settlement by sea, and which was a much more circuitous route than that by the lakes and overland; but the obstacles in the latter route were so great that it would be almost impossible at present to overcome them. It was true that there was steam communication the whole distance from Toronto to the western end of Lake Superior, but at that point it would be necessary to cross a tract of country 300 miles in extent, which was, he believed, entirely uninhabited, which was intersected by rivers and swamps, and in which, at present, no means of transit existed. That route was, in fact, utterly impracticable, and it had, therefore been deemed necessary that the troops should make the long *détour* of which the hon. Gentleman complained. He might add, as he had before stated, that these troops had been sent at the request of the Hudson's Bay Company, and at their cost.

Mr. WYLD said, the Canadian Legislature had voted £300 for the formation of a road in the district to which the hon. Baronet had alluded. The country, so far from being impassable, was average prairie land, and he believed the real reason why the troops were not sent by that route was because the Hudson's Bay Company were alarmed lest a road should be opened from Canada to their settlements.

Sir JOHN RAMSDEN said, he had been informed that the Canadian Legislature had passed a Vote for the formation of a road, but that road was not yet opened. It was necessary that the troops should be sent out immediately, and they had therefore been sent round by sea.

BOARD OF HEALTH—QUESTION.

Mr. PALK said, he wished to ask the Home Secretary if it is the intention of the Government to bring in any Bill to remedy the defects proved before a Select Committee of the present Board of Health. It would be in the recollection of the House that the Bill under which the Board of Health now existed was passed in the year 1848; that that Bill had been condemned over and over again; that it had been submitted to Committees, and that various Members of the present administration had attempted to make such modifications and alterations in its provisions as should induce Parliament to adopt it as a permanent measure. Upon all occasions, however, they had failed, and upon the last occasion, which was the Session of 1856, that House, by a large majority, refused to give the right hon. Gentleman, the Member for Hertford (Mr. Cowper), permission to introduce the Bill which he then asked leave to bring in. The right hon. Gentleman succeeded, however, in obtaining from the House a continuance of the then existing Act, upon the specific pledge that early in the present Session a Bill should be brought in to amend and remedy the defects which had been proved and admitted to exist in the Board of Health Act. They had now arrived at a period of the Session when it was extremely doubtful whether any measure of that sort could be introduced; and that circumstance would be fraught with great injury and evil to towns and districts under the present Board of Health, because they had spent all the money they were authorized to raise without having completed the necessary drainage and other works for which they had placed themselves under that Board. Another class had also been deeply aggrieved by the conduct of the Government, because they had been waiting year after year for the promised measure, to enable them to take those steps for the cleansing of their towns which the increase in their population demanded. The only Bill that had been brought before the House was one which the right hon. Baronet the Home Secretary was most successful in carrying through a second reading; but he carried it through with so much exertion that he totally forgot to explain or comment upon the nature of that measure. It was nothing more, however, than a simple Bill to render permanent all the evils and defects of the existing law, which had been so repeatedly condemned. It professed to transfer the powers of the Board of Health to the Privy Council, and to save the country £3,000 a year; but it was, in fact to perpetuate the defects of the Act of 1848. He (Mr. Palk) wished, therefore, to know whether it was the intention of the Government to redeem the pledge by means of which they had obtained the renewal of that Act, or whether the promises then made by them were only made for the purpose of gaining time?

Sir GEORGE GREY said, he thought it desirable not to make any statement in anticipation of the discussion which would probably take place at a later period of the evening, when the House went into Committee on the General Board of Health Bill; but he might state in reply to the question put to him by the hon. Gentleman, that a Bill had been prepared for materially amending the Act of 1848, although he could not admit that that Act was condemned by the Select Committee, as the hon. Member seemed to infer.

IMMIGRATION TO BRITISH GUIANA.
QUESTION.

MR. T. BARING said, that he had given notice to present a petition from British Guiana on the immigration of free labourers, but he had since decided as the better way of calling the attention of the Government to the subject to ask a question of the President of the Board of Trade. At the end of March last a most respectable and influential meeting had been held at George Town, Demerara, to take into consideration the supply of labour for the wants of the colony; that a resolution to petition Parliament on the subject was adopted unanimously at that meeting; and a petition in accordance with that resolution had been forwarded to him with a request that he would present it to the House of Commons. He had readily undertaken that duty, because the petition demanded nothing incompatible with justice; because it uttered no angry complaints as to the effect of the commercial policy of this country upon the colony in question; because it indicated no party or political bias; and because it manifested no feeling of hostility towards any particular Minister. That petition, moreover, stated facts and circumstances in connection with the colony as well as with this country which demanded, in his (Mr. Baring's) opinion, the immediate consideration of Her Majesty's Government, and which claimed the attention and sympathy of the House. It was not necessary for him to refer to the importance to the mother country of the prosperity of the Colonies, especially those colonies which, like the colony in question, produced articles which entered largely into the consumption of the population of this country; nor to discuss the importance of proving the advantages of free labour over slave labour in the production of these articles. British Guiana comprised an extent of 70,000 square miles, and contained upwards of 50,000,000 of acres of the most fertile land; it had the advantage of an excellent internal communication by means of its large rivers; and it had a great extent of sea coast. Moreover, it was within a month or six weeks' sail of this country; and therefore in a most favourable position for supplying it with produce. Of this immense surface, however, there were only some 60,000 acres under cultivation because of the deficiency of labour, although the soil and climate were calculated to grow cotton as well as sugar, and notwithstanding the cotton from that quarter had obtained a medal at the Great Exhibition. Of the population of 90,000, about one-fourth only could be called labourers, and to these must be added some 20,000 Portuguese and coolies. The practical problem to be solved, therefore, was how labour was to be furnished to a colony so rich in all other advantages without interfering with the obligations due to humanity. Unfortunately, natives of Africa, of India, or of China, were the only persons who could cultivate the soil in the climate of that colony; and the complaint of the petitioners was, that they were hampered in obtaining a supply of labour from these sources by the various and unnecessary restrictions that had been imposed upon the immigration of labourers. He (Mr. Baring) was quite ready to allow that, if it should be found that the effect of emigration to our colonies from Africa led to all those unnatural wars and those acts of barbarity which distinguished the slave trade, we ought not to listen to the suggestion of procuring a supply of labour for the colony of British Guiana from that quarter of the globe. But this was a question which ought not to be neglected, and if emigration from Africa were resorted to in order to furnish the means of labour, in this case it was a source of supply which ought to be watched by the Government. The petitioners prayed that they might be permitted to import emigrants from any part of the globe in which a British Consul resided. If Africa were excluded, what was the case with regard to India? An attempt had been made to procure coolies, but in India there was the greatest restriction imposed upon emigration. Only 350 coolies were allowed to leave in one ship, however large that ship might be; and the Great Eastern, which could convey 10,000 passengers, would be confined to the smaller number, if she sailed from Calcutta. The result of this restriction was, that an inferior class of ships were taken up for the emigration of coolies; and he (Mr. Baring) had been informed that the mortality and disease on board French emigrant ships of a large size, with a greater number of labourers on board, was considerably less than in British ships of a smaller capacity, which the restriction in question brought into the trade, to the exclusion of others better adapted for it in every respect. That was the first clog to the supply of labour for the Colonies. The next was the regulation making it compulsory on the Colonies to send back the labourer, at their own expense, when his term of five or ten years had expired. The coolie was not allowed to stay; he was not permitted to take an equivalent in money, but he was obliged to go back, and the colony had to pay the cost of his transport. What the colonists wished was, that the coolie, who, in many cases, had amassed considerable sums of money by the end of his servitude, should be suffered to make his own bargain, for which he was perfectly competent; and they objected to being shackled with these restrictions. The principle that ought to be adopted in this case was the same as had been adopted in commercial matters—that of absolute freedom, so far as was compatible with what was due to humanity. The principle acted upon was, on the contrary, almost prohibition, through the stringent nature of the regulations insisted on, and of these regulations he thought the colonists had a just right to complain. The result was, that, in the seven years, from 1848 to 1854, 22,000 labourers had been imported into the colony, of which 10,000 only were coolies, the remainder being from Madeira and Sierra Leone. These labourers were all in better circumstances in the colony than they could be at home; for they were able sometimes to earn as much as 1*s.* an hour, but they could constantly obtain from 2*s.* 6*d.* to 3*s.* wages on short time each day. In 1834 an ordinance was passed by the Indian Government by which, under the plea of preventing hardship to the labourer, the emigration of coolies was virtually suspended; and now there were no longer any means of obtaining labour for British Guiana from India. But then it might be said that China was open to the colonists. But while the Chinese had been flocking to every other colony, and had been carried in British ships to many foreign possessions, they had not been allowed to enter British Guiana. In that colony there had been a virtual prohibition of Chinese labour during the last few years, not on the ground of international policy, nor because the Chinese, as a class, were not industrious and useful labourers, nor because they would not answer the purpose for which they were required, nor because they did not increase the prosperity of the colonies in which they had settled—Singapore and Java for instance—but because they were not accompanied by their wives. It had, however, always been the course of emigration that the males went out first and the females followed after; and it was shown by the condition of the Chinese themselves in Java and in other places of the Eastern Archipelago to which they had migrated. Besides that, marriages in China presented an almost insuperable difficulty in the case of the poorer emigrant, inasmuch as, instead of the father giving a dowry with his daughter, the husband was expected to pay the father for his wife. The real question in the case was, what the Government proposed to do for the purpose of taking steps to obtain labour. It was a question of the greatest importance to the future of the colony; and on its solution depended not only the prosperity of the colony, but also the prosperity of this country, inasmuch as it involved the cheapness or dearness of articles of primary consumption. Moreover, it involved the further problem of how far it could be proved to the world that our Colonies, with free labour alone, were able to compete with the sugar and cotton-growing States of America. In this delicate and complicated matter it was desirable that the Colonies should act in concert with the Government in endeavouring to mitigate the evils complained of, and, in the exercise of his discretion, he should now simply ask the right hon. Gentleman the Secretary for the Colonies whether Her Majesty's Government had adopted any measures to facilitate immigration into British Guiana?

MR. LABOUCHERE said, he entirely concurred in the opinions of his hon. Friend, that no more important question relating to our colonial policy could possibly engage the attention of the House than that which his hon. Friend had brought forward; nor did he differ from his hon. Friend, in any essential degree, as to the general principles he had enunciated. Important as the subject was at all times, it was especially so under existing circumstances. The present very high price of sugar was drawing the attention of all the sugar-producing countries of the world to the supply of labour—a matter which lay at the very foundation of their cultivation, and formed the very life-blood of their prosperity. It was, therefore, the duty of the Government, by all lawful means, to provide our Colonies with a proper supply of labour, not only for the sake of the colonists themselves, but because there was no more effectual mode of discouraging slavery and the slave trade than by proving to the world that, under a state of freedom, these articles of general consumption, especially sugar, could be produced with quite as much advantage as under compulsory labour. He had always held that the importation of free labourers to the West Indies should be promoted in every legitimate way; but there were certain conditions for its regulation, to which they ought steadfastly to adhere. Those conditions were, first, that they should take care that the laws of humanity were not violated; that every man who engaged himself as a labourer was a free agent; and that no system of internal slave trade, with all its attendant atrocities, should be fostered in the country from which these persons were brought. Next, their passage across the seas should be so managed as to guard against the recurrence of any of those fearful calamities on board the vessels which formerly excited so much horror among the people of England. The third condition which ought to be enforced was, that when the labourers reached the Colonies, they should be treated with all the humane consideration due to free men, and that, under no system of so-called apprenticeship or contracts, should the institution of slavery, on which he trusted the brand of this country had been indelibly fixed, be in any degree revived. Another condition, scarcely less important than any of the foregoing, was, that in any such plan of immigration, a due proportion between the sexes should be observed, and that a reasonable number of women should be introduced, to avoid the frightful evil inseparable from the carrying of an exclusively male population to any British possession. Under these restrictions, the Government were anxious to encourage emigration to our Colonies, from whatever source that emigration might be derived. The hon. Member talked as if nothing had been done of late years in this matter. But, in fact, an immense emigration, under stringent regulations, had been conducted, in many instances, with signal benefit both to the Colonies and to the emigrants themselves. In the case of the Mauritius, they had a striking exemplification of the possibility of cultivating sugar by free labour, not only at a profit, but at a greater profit than by slave labour. From its proximity to India, the Mauritius had no difficulty in procuring an ample supply of labour, and within the last ten years, as many as 100,000 coolies had been transported thence to that island, and were engaged in the cultivation of its sugar plantations. The result was, an enormous increase in the production of that colony, with a high state of consequent prosperity, which, so far from being purchased at the expense of inhumanity towards these labourers, enabled them to accumulate property, and settle on the island, or, if they returned to their native country, they carried the fruits of their industry with them. There was no pretext whatever for saying that the coolies in the Mauritius were not duly protected and benefited by the system there in operation. He (Mr. Labouchere) could assure his hon. Friend that if our West Indian possessions had not enjoyed the same advantages to an equal degree, that had not been the result of any unnecessary obstruction on the part of the Government, but was owing to their geographical position in relation to the source of the supply of labour not being so favourable as that of the Mauritius. His hon. Friend asked why they confined themselves to India, and did not go to Africa and China. It was due no less to the remarks of so high an authority as his hon. Friend than to the importance of the subject itself, that the House should know that it was on no light or ill-considered grounds that the Government had discouraged emigration to the West Indies from these two countries. The attempt to obtain a supply of labour from Africa had been made in our own possessions, and on the Kroo coast, but without success. The experiments, which had been tried with the greatest care, had entirely failed; and he was satisfied that any extensive efforts to procure negroes would infallibly lead to the fostering of an internal system of slavery in Africa. It might be said, it could do no harm to take the negro away from domestic slavery, and transport him as a free labourer to our Colonies. That might be true if they looked only to the case of the individual negro; but, what would be the result? His place would be immediately filled up by somebody else. This would increase the value of the negro, and speedily cause a revival of all the horrors incident to intestine war, and an internal slave trade. The greatest caution ought to be exercised before they took steps which might lead to such monstrous results. He had been gratified beyond expression by the accounts he had received during the last two years, describing the growth of legitimate traffic on the western coast of Africa. Commerce, peace, civilization, and, let him add, Christianity, were spreading in those regions. A recent communication from the Governor of Sierra Leone stated that he had seen fifty canoes coming down the river laden with native produce; and it was remarkable how the exportation of palm oil and other products was increasing. They were, therefore, at length, exercising a substantial influence on the internal condition of Africa, and they ought to have a care how they did anything to destroy this newborn commerce, and to mar such fair prospects. With regard to the importation of labour from China, to which a gentleman from British Guiana had informed him the hopes of that colony were more especially directed, he would admit the Chinese made very useful and industrious labourers; they were hardy, frugal, willing to work, and moreover, did not want to be sent back again; and if they could be induced to go out to British Guiana, and to other parts of the West Indies, they would be valuable auxiliaries to the cultivator. Still, it was most important that the rule requiring that a certain number of women should accompany the male Chinese emigrants should be adhered to. At one time there were no less than 20,000 of those emigrants, and only three women in the colony of Victoria. They were all labourers, and the state of things became so shocking to the moral feelings of the colonists, that they adopted a peculiar plan for keeping Chinese emigrants out of the colony. They imposed a tax of £10 upon every Chinese emigrant that came into it. But that plan failed, because neighbouring colonies did not adopt it, and the emigrants having obtained an entrance into them, contrived by indirect means to pass into the colony of Victoria. The question of inducing Chinese women to follow the men was not, by any means, so simple as his hon. Friend seemed to consider; for Her Majesty's Government had received from Sir John Bowring the strongest remonstrances against any attempt to induce Chinese women, by Government agency, to emigrate from China, because it would infallibly produce a system of fraud and violence of the most reprehensible character. The Government held the whole question to be of such grave importance that they instructed Lord Elgin, on his going out to China, to avail himself of every opportunity of obtaining correct and unprejudiced information on it, and he (Mr. Labouchere) could assure his hon. Friend, on the part of the Government, that if he could see his way to a plan for encouraging Chinese emigration to our Colonies, without introducing evils of the most alarming magnitude, he should rejoice to adopt it. His hon. Friend had said that there were several minute regulations with regard to the coolies, which operated as checks to their emigration. He seemed to think that the master of a coolie in one of our colonies was compelled to convey him to his native country. That was not so. All that they were obliged to do was, to give them a back-passage money, which was quite a different thing from expelling them from the colonies. He (Mr. Labouchere) could only say, it appeared to him the time had come when that question might be fairly considered. The coolies were now so much accustomed to West Indian labour, that they could judge for themselves on that point; but it was a point on which the Indian Government felt great difficulty. The state of the question now was this:—He (Mr. Labouchere) had written to the Indian Government, requesting them to give their most serious consideration to the matter, and he inferred from their answer, there was some probability as to their relaxing that rule. They had, however, always attached the greatest importance to it, because they were apprehensive that the coolies might be taken in. They thought it was only fair to the coolies, that after so long a residence as that of ten years in a colony, they should be furnished with the means of returning to their own country. He should be very glad if it should be found possible, consistently with the interests of those poor people, to relax the rule. His hon. Friend had said that, although the French authorities, in permitting the emigration of coolies from Pondicherry, followed a different rule from ours with regard to the tonnage of the vessels, that there was less mortality in the French ships than in the English. That was a startling fact, if true. He could only say, the Emigration Commissioners informed him that that was contrary to their experience, and that the rule laid down by them, of one coolie to a ton, was the proper rule; that it could not be altered without danger, and that it would be against the sanitary regulations which it was thought necessary to observe in this matter, to follow the French rule. That subject was also one of importance, and he had directed strict inquiry to be made on the spot by impartial persons.

The Government could have no object in retaining any restrictions, except those which were necessary to secure to the coolies fair and proper treatment in their passage across the ocean. Every suggestion from the Colonies on this subject had received, and would receive, the most attentive consideration from the Government; but the national faith and honour, and the interests of the Colonies themselves in the long run, required that they should not depart from that policy which this country had persevered in for so many years with regard to emigration to the West Indies. His hon. Friend said there was an arbitrary rule as to the number of emigrants to be taken in any vessel. The rule arose from this: that the emigration agents supposed vessels of a moderate size, and not exceeding a certain tonnage, were the most convenient for conducting this emigration, and that if vessels of a larger size were employed, they would be kept too long waiting before they could be filled. This rule, therefore, was adopted for the convenience of the colony itself. If anything could increase the desire of Her Majesty's Government to consult the wishes of the people of British Guiana, it would be the temperate tone of their petition, and the importance of discouraging the horrors of the slave trade in other countries.

GROWTH OF COTTON IN INDIA.

OBSERVATIONS.

Mr. HADFIELD said, he deeply regretted the position in which the Motion with regard to the growth of cotton in India had been placed. The House was aware that it would be impossible for the hon. and learned Member for Devonport (Sir E. Perry) to resume the adjourned debate upon that subject, because the whole of the future part of the Session was now in the hands of the Government. He did hope the noble Lord (Viscount Palmerston) would reconsider his decision. In the manufacturing districts much alarm was felt as to the supply of cotton, and it would be a great misfortune if the adjourned debate on the growth of cotton in India should not be resumed, and if the important communications expected from the President of the Board of Control should not be made. What would the country think when they saw the House spend the greater part of one night in a debate about the price of a picture, and yet unable to find time for discussing the claims of India, and the great benefit that would result to our manufacturing districts from the cultivation of cotton in that country? He appealed to the noble Lord to afford them an opportunity for a full discussion of this important subject.

Lord ADOLPHUS VANE-TEMPEST said, the noble Lord had added sarcasm to refusal this evening by telling hon. Members that they must find a day for themselves for the resumption of this debate. The noble Lord must have known that in the present state of the business of the House that was impossible. He now begged to ask the right hon. Gentleman the President of the Board of Control at what period he proposed to make his Indian statement to the House. That statement was usually made just before the festive season of the whitebait dinner at Greenwich, when a very small number of Members were present, and those very exhausted. Surely the Indian budget should be brought forward at a period of the Session when there was likely to be a fuller attendance.

Sir ERSKINE PERRY repeated a suggestion he had formerly made, that, instead of submitting to the House his Indian statement at the end of the Session, in the first ten days of August, when, perhaps, not more than twenty hon. Members were present, the President of the Board of Control should make it in the first ten days of the Session, when no Government business was before the House, and when the House, being then in full possession of its faculties, would probably give its attention to what seemed a rather distasteful subject. The affairs of India just now were so extremely interesting that he trusted the noble Lord would listen to the appeal made to him, and give a day for the continuation of the cotton debate.

Mr. VERNON SMITH said, he was perfectly ready to introduce the statement respecting India on any day hon. Members wished, but the House itself would complain if measures of immediate urgency were retarded for a statement and a debate which, however important, would have no immediate consequence. The same might be said of the Motion of the hon. Member for Stockport (Mr. J. B. Smith). He had not objected to the adjournment of the discussion the other night, because the hour was late, and he thought it right to say something on the question, but he had never made any promise on the part of the Government that they would give up a night for the purpose. The noble Lord (Lord A. V. Tempest) complained that his noble Friend at the head of the Government had "added sarcasm to refusal" by telling hon. Members that they must find a night for themselves. It was, however, perfectly open to them to take either Tuesdays or Wednesdays for the resumption of the debate. His hon. and learned Friend the Member for Devonport (Sir E. Perry) now suggested that the Indian statement should be made at the beginning, instead of at the end of the Session. The reason why this statement had hitherto been made at the latter period was that the Indian accounts were generally made up to April, and delay took place in order that they might be produced. He was ready, however, to submit his statement at any time, though, whether it was made at the beginning or the close of the Session, he feared he should be equally unsuccessful in securing a good attendance on the part of hon. Members. An instance of the apathy which prevailed on Indian subjects was given some nights ago, when the House was nearly counted out on the Motion of his hon. Friend the Member for Perth (Mr. Kinnaird); and there was also a very small attendance during the discussion introduced by the hon. Member for Stockport (Mr. J. B. Smith), though that was a subject which interested many persons in this country. At present he could not name any day for the Indian Budget, and certainly not before the end of the month could he hope to introduce it. Before sitting down he could not help saying a few words upon what had fallen from the hon. Member for Huntingdon (Mr. Thomas Baring) as to the alleged disposition of the Indian Government to prohibit the exportation of coolies. Now, so far from entertaining such a disposition, the Indian Government were anxious by every possible means to assist the coolie emigration, but it was their duty to see that these persons embarked with a perfect knowledge of what they were about, and that the voyage was performed in good and seaworthy vessels. As to making any relaxation with regard to the return passage, a measure of this sort had been viewed with much jealousy by the Indian authorities, because that return passage was supposed to afford the greatest security which could be given for the independence of the coolie. It was said, why not leave the coolie to make his own bargain? But it could not be maintained that he was a perfect match for the planter, or that the Government should not watch over the transactions between them. He had, however, with the concurrence of the Court of Directors, written a dispatch giving instructions that this subject should be properly considered in India; and if any means could be suggested by which the existing restrictions could be removed, while at the same time due precautions continued to be taken to secure the independence and fair treatment of the Coolie,—if, for example, a satisfactory method could be adopted of commuting his return passage for land, while it left him at perfect liberty to claim his return passage if he thought fit—he was certain there would be no indisposition on the part of the Indian Government to take these suggestions into consideration.

Mr. KERSHAW observed, that he could not quite agree with those who thought the House apathetic on the subject of India; but, whatever might be the feeling here, he could assure the House that the country was becoming more than ever interested in the affairs of India; and in the northern districts especially it was no wonder that this should be so. The short supply of cotton and the consequent want of employment were already telling, and in the borough with which he was connected he believed two-thirds of the mills had been working short time for at least a month past. Under these circumstances, he joined in the appeal to the noble Lord to fix a day for the renewal of the debate.

Lord CLAUD HAMILTON said, that the numerous applications which had been made to the noble Lord for a day on which to resume the discussion did not show that there was that apathy on the subject which the right hon. Gentleman had stated to exist. It was true that when the hon. Member for Perth (Mr. Kinnaird) brought on the question there was a disinclination on the part of the House to entertain it; but he was informed that that arose from an impression that the hon. Member was in some degree forestalling the Motion of the hon. Member for Stockport (Mr. J. B. Smith), and that to raise a discussion upon the state of India on the petition of the missionaries was hardly a fitting mode of introducing the question to the House. As the noble Lord at the head of the Government had informed the House that they must find a day for themselves for renewing the debate, the noble Lord must not object if, availing themselves of the forms of the House, they should bring it on in a manner not quite so regular and formal as they could have wished.

MR. CAMPBELL observed, that the disastrous intelligence recently received from India, the disaffection of a portion of the native regiments, and the insecurity of life and property which prevailed there would seem to render it desirable that a day should be appointed for concluding the debate.

MR. TURNER said, he also wished to express his concurrence in this view, and assure the House that the question excited a great amount of interest out of doors. He regretted exceedingly that the noble Lord at the head of the Government had not made an effort to give them a night for the further discussion of the subject. The noble Lord had recently visited Manchester, where he had seen a vast population, well attired, and apparently in prosperous circumstances, assembled together to give a loyal reception to their Sovereign. If the noble Lord should visit Manchester towards the close of the year, he feared that he would see it under a different aspect. He would still find the factories closed, and see no smoke issuing from their chimneys; but the cause would be the stoppage of trade, and the consequent absence of employment arising from the scarcity of cotton.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

PONTEFRACT ELECTION.

House informed, that the Committee had determined—

That William Wood, esquire, is duly elected a Burgess to serve in this present Parliament for the Borough of Pontefract.

And the said Determination was ordered to be entered in the Journals of this House.

NEW WRITS—MOTION.

VISCOUNT PALMERSTON, in rising to propose the Resolution of which he had given notice with respect to the issuing of new writs consequent upon the unseating of a Member for bribery or treating, said, that it was one which the House had agreed to on former occasions. Its object was, that if arising out of the circumstances of an election there should appear to be grounds for taking any measure affecting the borough itself, time might be given for hon. Members to make any Motion they might think fit upon the matter; and that the new writ might not be issued by surprise so as to preclude the House from taking into consideration any circumstances disclosed by the proceedings of the Election Committee affecting the borough itself.

Motion made, and Question proposed, "That in all cases when the Seat of any Member has been declared void by an Election Committee, on the grounds of Bribery or Treating, no Motion for the issuing of a new Writ shall be made without seven days previous notice being given in the Votes."

MR. DISRAELI said, he had no doubt that the House would come to a unanimous decision upon this subject; but he would beg them to consider, before they assented to the Motion, what might be the consequences if the Resolution were framed in terms of so stringent a character as those proposed by the noble Lord. The precedents in favour of this Resolution were not very numerous. It was of modern introduction into the practice of the House, and he could not call to his recollection more than two instances which were similar to the present. In both those cases the House came to a Resolution like that now proposed under circumstances of considerable party excitement and personal feeling in regard to particular elections. They now could consider the question with a complete exemption from those influences, and it was therefore highly desirable that they should not agree to a Resolution the consequences of which might be very different from those which he believed the noble Lord proposed to effect. The Resolution appeared to him (Mr. Disraeli) to be of too stringent a character. It would be quite possible, if it passed, that a city or borough might be disfranchised, by means of it, for the greater part or the whole of a Session. Suppose, for example, that a Report was made to the House finding that a Member was not duly elected, and that the new Resolution was appealed to, a week must elapse before a new writ could be moved for. Hon. Gentlemen might then very naturally say, "Here is a grave charge against this constituency, but we have no proof of it; evidence has been taken before the Committee, and we must wait until that evidence is in the hands of every hon. Member." That would lead to a delay, probably, of a month or six weeks at least. Then there must be another week by this Resolution before the Motion for a new writ could be brought forward. Then hon. Gentlemen might say that they had not had time to consider "this important case;" although the case really might be very paltry; and, in fact, the whole Session might pass without the city or borough being represented in that House. Again, towards the end of a Session there might be a Report; there might not be time to bring the subject to an issue, and during the whole of the recess the place might be unrepresented; for he need scarcely remind hon. Members that it was not merely in debates in that House that constituencies were represented. There were important matters which concerned them during the vacation, when they wanted Members to represent their interests to the Minister, if they were menaced or were not sufficiently defended. All Resolutions of this kind were necessarily of an unconstitutional character. He was not, however, arguing against the general principle of the Resolution, but he thought the House should take care to adopt a Resolution which, while it effected the object in view, produced the least possible inconvenience. They should take security that so unusual and unconstitutional a proceeding should not be had recourse to unless there were a *bonâ fide* case which required it. He thought that there ought to be a special Report from the Committee, at least, to justify it, and if the noble Lord would not allow a feeling of suspicion to weigh with him in accepting a suggestion made from his (Mr. Disraeli's) side of the House, he would suggest that the House should not have recourse to the proposal of the noble Lord, unless the Committee which had unseated the Member at the same time reported their opinion that the writ should be suspended for the period named by the noble Lord. This arrangement would attain all the advantages proposed, and would at the same time be a great safeguard against the abuses and inconveniences to which he had referred. He proposed, therefore, that the Resolution should pass in this form:—

"That in all cases when the seat of any Member has been declared void by an Election Committee on the grounds of bribery or treating, and such Committee has reported that in their opinion the writ for a new election should be suspended, no Motion for the issuing of a new writ shall be made without seven days' previous notice being given in the Votes."

Mr. Disraeli

MR. T. DUNCOMBE observed, that he considered that the Amendment of the right hon. Gentleman would defeat all the objects of the Resolution, which had worked very well in the last Parliament. It was, no doubt, a stretch to suspend the issue of the writ when once the Committee had declared a seat vacant, but it was the duty of the House, when the Committee declared that a Member had been guilty of bribery, to take care that the vacancy should not be filled up unless they were satisfied that the constituency had not abused its privileges. The Resolution was agreed to in 1852, after the passing of the Bill which empowered the Crown, on an address from both Houses of Parliament, to issue a Commission to inquire into the extent of the corrupt practices in the constituency. But if they were to rely on the Report of the Committee, how could they ascertain whether it was a case to justify an Address to the Crown or not? The right hon. Gentleman must be aware that even if two or three hundred cases of bribery could be proved, the counsel before the Committee confined themselves to one or two cases sufficient to unseat the Member, but kept the others back to save the constituency. Would a Committee be justified in recommending the House to suspend the writ when only one or two cases had been proved, and they had no power to institute any further investigation? In the last Parliament five Commissions were issued on the recommendation of the Committees, in the case of Canterbury, Cambridge, Hull, Maldon, and Barnstaple, and in each case the result was the discovery of a far greater amount of corruption than had been proved before the Committees, and the five constituencies were reported to have been guilty of corrupt practices, quite as strong, if not stronger, than any to be found in the Report on which they had disfranchised Sudbury and St. Albans, and the five writs were suspended until after the passing of the Corrupt Practices Prevention Act. He thought there was ample ground for resolving that the issuing of the writ should not depend on the Report of the Committee, and the Amendment would only provide the means for evading a valuable Resolution, which had been found to work well in practice.

SIR GEORGE GREY said, that the object of the Resolution was to prevent a writ from being issued, without previous notice to the House, in order to enable them to become acquainted with the facts of the case. Under the existing law, there was a power given to the Committee to make a special Report as to the existence of corrupt practices, and that further inquiry was necessary; in that event, the issuing of the writ was suspended, and therefore the suggestion of the right hon. Gentleman was quite unnecessary in such a case. The object of the Resolution was to take care that the writ should not be issued as a matter of course when the seat was declared vacant; but he felt there was very considerable force in the objection of the right hon. Gentleman—to laying down a general rule of suspension; it might happen that a single case of bribery would unseat a Member at the end of a Session, and they could not desire that a constituency should on that account remain unrepresented for perhaps several months. If the Report was made at the close of the Session, the borough or county would be also exposed to the inconvenience of a very lengthened canvass. At the same time, precautions ought to be taken against surprise by the immediate issuing of the writ. He did not know whether it was intended to alter the Resolution then; but he would suggest that it should be withdrawn for further consideration. He would propose to leave out the seven days, and insert two days, or perhaps the words "without previous notice," would be sufficient to meet the difficulty, as that period would enable any hon. Member who conceived there was ground for the further suspension of the writ to bring the matter before the House.

MR. DISRAELI said, he did not wish to press the suggestion which he had thrown out for the consideration of the Government; but he should be glad to have the further consideration of the question postponed until Monday, when the House would have an opportunity of listening to the opinions of some of their most intelligent and influential Members who were absent at that moment.

VISCOUNT PALMERSTON said, he had no objection to that course, as the Resolution ought not to be adopted without full deliberation.

Motion, by leave, *withdrawn.*

SUPPLY — MISCELLANEOUS ESTIMATES.

House in Committee. MR. FITZROY in the Chair.

(1.) Motion made, and Question proposed, "That a sum, not exceeding £24,728, be granted to Her Majesty, to defray the Charge of the Salaries of the Governors, Lieutenant Governors, and others, in the West Indies, and certain other Colonies, to the 31st day of March 1858."

SIR JOHN TRELAWNY inquired whether the grant of £3,500 for the Governor of Jamaica was a new grant?

MR. LABOUCHERE replied in the negative.

MR. W. WILLIAMS said, that the grant for the salary of the Governor of Jamaica was placed upon the taxes of this country for the first time three years ago. The people of Jamaica, for a vast number of years, had always paid the salary of their Governor; but in 1854, on account of the distress in Jamaica, it was proposed that £3,500, being one-half of the salary, should be paid out of the taxes of this country for a period of three years. Since that time he had received a communication from Jamaica stating that the people there did not want this country to be taxed for their Governor. It appeared that the salary of the Governor of Jamaica had amounted originally to £7,000, and that after the Parliament of this country had agreed to pay half of that amount, the Assembly of Jamaica had reduced their contribution, first to £2,500 a year, and subsequently to £1,500 a year. It had, upon a former occasion, been distinctly stated, upon the part of the Government, that the continuance of the contribution from this country would be required only for a period of three years, in order to meet the distress under which Jamaica was then suffering. That period had elapsed, and the distress had ceased to exist, and he, therefore, saw no good reason why the payment of the amount in question should not be dispensed with. Under these circumstances, he should move that the Vote be reduced by a sum of £3,500. He perceived that there was also an item of £1,800 contained in the Vote for the payment of the annual salary of the Governor of Western Australia, which was the only one of the Australian Colonies on whose account a similar payment was made. Taking into account the fact that the state of that colony was now one of great prosperity, he saw no good reason why the item should be retained in the Vote, and, therefore, unless he heard some good reason assigned for its continuance, he should move its rejection also.

Motion made, and Question proposed, "That a sum, not exceeding £21,228, be granted to Her Majesty, to defray the Charge of the Salaries of the Governors, Lieutenant Governors, and others, in the West Indies, and certain other Colonies, to the 31st day of March 1858."

Mr. LABOUCHERE said, that within his recollection it had been a frequent subject of discussion in Parliament whether the salaries of the Governors of our Colonies ought or ought not to be paid out of the funds of this country; and he had heard some of the most distinguished Members of the House—such, for instance, as the late Sir R. Peel, his noble Friend near him (Lord Palmerston), and the noble Lord the Member for London, contend that considering the Imperial position which those high functionaries filled, their relations to the Crown and the Colonies, and the importance of securing their perfect independence, the cost of their maintenance ought to be defrayed out of the Imperial Exchequer. But, perhaps, at the present moment, there existed great practical objections to carrying that principle into effect. At all events, he felt that in the case of flourishing Colonies it was only natural that the House of Commons should decline to take upon themselves such a charge. But he did not think that they ought to object to meet the moderate demands which were made on them under peculiar circumstances by that vote. It should be remembered, that almost all of this not large sum of £24,728 was to go to the payment of the salaries of the Governors of our West Indian Colonies, and that these Colonies had of late years been placed in an exceptional position by circumstances which he need not then detail. He was happy to be able to admit that they were at present recovering from their depression, and that they were in the enjoyment of a state of comparative prosperity; but he would add, that he hoped the House would not be disposed to deal harshly with them on the first return of their better fortunes. With respect to the payment of the salary of the Governor of Jamaica, his hon. Friend who had just sat down was correct in stating that the arrangement come to upon that subject was one of a provisional character, and that it had been understood that it should be open to reconsideration. When he had last addressed the House in reference to the matter he had proposed that the existing arrangement should continue throughout the period of Sir H. Barkly's tenure of office, which he had then anticipated would extend over three or four years. But it had since been suddenly brought to a close by the tranference of that able and distinguished public servant to the Governorship of the Colony of Victoria. It then became a question for the consideration of himself (Mr. Labouchere) and of the Treasury whether they should place Governor Darling, the successor of Sir H. Barkly, in a position in which his first act in his new office would probably be a dispute with the Assembly of Jamaica with respect to the payment of his salary; and as he had arrived at the conviction that it was extremely desirable to avoid such a collision, he had thought it proper to ask the House to agree to the payment of that moderate charge. He had, therefore, retained the item of £3,500 in the Vote, and when it was borne in mind that the residence of the Governor of Jamaica was a very extensive building and required a large sum of money to keep it up, he was of opinion that the Committee ought not to regard the item as exorbitant. With regard to the payment of the salary of the Governor of Western Australia, he had to observe that that Colony was to some extent differently situated to the other Australian Colonies, which had received representative Governors, and were therefore bound to provide for their own expenditure. Western Australia was also used as a convict settlement for Imperial purposes; and that was, in his opinion, a sufficient reason why this country should bear a portion of the cost of its Government. Under all the circumstances of the case he hoped that his hon. Friend would not think it necessary to press his Amendment to a division.

Sir CHARLES NAPIER said, he did not propose that there should be any diminution in that Vote. It seemed to him, on the contrary, that it was too little in amount, and that considering the cost of living in the West Indies, too small an allowance was made to those Governors. But there were one or two details in the Vote with respect to which he should be glad to receive some explanations. He found that there was set down a sum of £4,000 for the Governor of the Windward Islands. He wished to know where that functionary resided? [Sir C. Wood: In Barbadoes.] He had always understood that Barbadoes was popularly called one of the Leeward Islands. There was also a Vote of £3,000 for the Governor of the Leeward Islands, and he had to ask where that officer resided? [Sir C. Wood: At Antigua.] Again, upon that point, he had to observe that he believed Antigua was usually considered a Windward Island, and he did not know whether it had ceased to be so named.

Sir JOHN TRELAWNY said, the question was not whether the Vote was too large in amount, but who were the persons upon whom its payment should devolve. It was better he thought that the Colonies should themselves be allowed to defray the expenses of their own Government, and he certainly could not concur in the justice of the view taken by the right hon. Gentleman the Secretary for the Colonies, that because the Governor of Jamaica had a large house to maintain his salary should therefore be correspondingly increased. He saw no reason why that gentleman should not live in a smaller house, unless, indeed, the colonists, consulting their own dignity, chose to defray the charge of locating him in a more expensive establishment.

Mr. A. MILLS said, he did not mean to oppose the Vote; but he wished to take that opportunity of expressing a hope that the time was not distant when those payments for colonial governors would disappear from our Estimates, and the Colonies provide for their own expenses.

Mr. BRISCOE said, he wished to know whether the Committee was to understand that the right hon. Gentleman proposed that that payment to the Governor of Jamaica was to cease on the occasion of the next change in the office?

Mr. LABOUCHERE said, he could not give any pledge upon that subject. When Governor Darling was appointed, he had been told that the Vote would be proposed to the Committee, and this had been done; but as regards the future he (Mr. Labouchere) wished to leave the matter open for future consideration.

Mr. F. CROSSLEY remarked, that he considered that if the Colonies appointed their own governors they would be better governed than at present.

Mr. W. WILLIAMS said, he was not surprised at what had fallen from the gallant Admiral, because he had never known him to oppose any Vote, however extravagant, since he had had a seat in that House. No doubt his constituents of Southwark would be much obliged to him. All the Colonies, except the West India Colonies, paid the expenses of their own Government, and Her Majesty's Ministers were not acting wisely in saddling the country with a new charge like that of the Vote for the Governor of Jamaica; and, moreover, it was a distinct understanding that the Vote should be discontinued after the lapse of three years. Considering, however, that there were probably not forty Members present, and therefore, if he divided, that the House might be counted out, he would not press his Amendment to a division.

Sir CHARLES NAPIER said, the attack made upon him by the hon. Member was most unjust. He had always endeavoured to do his duty to his constituents by checking extravagant expenditure, although certainly he could not always vote with the hon. Member, who appeared to him to be in the habit, without reason of any description, to move, if a sum of £4,000 was asked for, that it be reduced to £3,000, or if £3,000, that it be reduced to £2,000. He should recommend the hon. Gentleman to look to his own line of conduct before he ventured to reprimand others.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(2.) £21,450, Stipendiary Justices in the West Indies, and the Mauritius.

Mr. W. WILLIAMS said, he must object to the item of £7,200 for the salaries of magistrates in Jamaica. He should like to know what possible good this country derived from that expenditure. The charge had been introduced at the time of the emancipation of the slaves, but now appeared to be permanent.

Mr. LABOUCHERE explained that at the period of the emancipation of the negroes in the West Indies an arrangement had been made for the appointment in those Colonies of stipendiary magistrates, whose services it was thought would be for some time required in the administration of justice, and whose salaries were to be paid out of the Imperial Exchequer. The charge, however, would not be permanent, unless those officials proved immortal; for when any of them died, the vacancy so created was not to be filled up, or at least was not to be filled up at the expense of this country; and in point of fact, the Vote had in that way been reduced since last year by a sum of £2,850. This was the first time he had ever heard the Vote objected to.

Mr. BENTINCK said, he would remind the Committee and the hon. Gentleman who objected to all these small sums, that a heavy blow had been inflicted on the property of the West Indies in the year 1834, and that those Colonies had since been subjected to additional disasters, in consequence of the determination of the mother country to carry out, at all hazards, the policy of free trade.

Vote *agreed to;* as was also,

(3.) £10,230, Civil Establishments, Western Coast of Africa.

(4.) £19,609, St. Helena.

MR. W. WILLIAMS said, that one item in this Vote required explanation. It appeared that the Governor of that island had within a period of four years withdrawn from the commissariat chest a sum of £18,800, in consequence of some misunderstanding, as it was mildly called. He wished to know whether there was to be any further charge upon that account?

MR. WILSON said, that until a few years ago the establishment of St. Helena was supported by a Vote of the House, but in 1846 it was resolved that it should be paid by the Colony itself. The Governor, by some mistake of his instructions, thought that he was justified in withdrawing from the commissariat chest any deficiency for the extraordinary expenses of the island. That went on for four years without its being discovered, and when it was discovered a Treasury Minute was passed, in which they very strongly repudiated their right to repay this sum. The matter had remained in abeyance since 1851. The island had been successful in paying its current expenditure, but it had not been so successful as to enable it to repay the sum thus taken from the commissariat chest. Under these circumstances he (Mr. Wilson) had thought it was useless to keep the account open, and that the best course was to repay to the commissariat chest the amount which had been drawn from it. The arrangement had, on the whole, been advantageous to this country, for no Vote had recently been taken for the expenses of the establishment at St. Helena, which were defrayed entirely from the local revenue.

Vote *agreed to;* as were also,

(5.) £960, Heligoland.

(6.) £3,831, Falkland Islands.

(7.) £5,700, Labuan.

Mr. W. WILLIAMS said, he must complain of the expense of the Government establishments there, and thought that they ought to be given up.

MR. LABOUCHERE stated, that the expectations which had been formed with regard to this Colony had not been realized, but he thought the Government had been fully justified in trying the experiment of establishing a colony in Labuan, where there was a magnificent harbour, and where it had been supposed that a large supply of coal might be obtained, which would have proved very beneficial in the case of a war, and with reference to steam communication with the East. He was ready to admit that the Companies which undertook to work those coal mines, had not been very successful, but at the same time he did not think the experiment ought to be prematurely abandoned, and he asked the Committee to give it a fair trial. If upon further experience it should be found inexpedient to maintain the Colony, he should not be disposed to protract the experiment.

MR. MAGUIRE remarked, that he wished to inquire whether it was necessary for that experiment that the treasurer at Labuan should receive a salary of £500, which amounted to a charge of 16 per cent upon the entire amount he was called upon to distribute? He (Mr. Maguire) was not surprised that the right hon. Gentleman entertained serious misgivings with regard to the success of this Colony, and he (Mr. Maguire) was disposed to think the best course would be to abandon it altogether. In a despatch from the right hon. Gentleman (Mr. Labouchere) to the Governor of the colony (Mr. Edwards) the following passage occurred:—

> "Your Report exhibits extensive sickness, calling for drainage which the Colony is too poor to execute; public buildings falling into decay for want of necessary repairs; and, finally, a landslip which has damaged the works and buried some of the coal of the Archipelago Company. You inform me that the fever is peculiarly fatal to Chinamen, so that it has driven away some of the Chinese settlers, and has kept away other native settlers whose presence would be of advantage."

The island, it must be remembered, depended mainly upon the labour of Chinamen, to whom the climate appeared to be extremely fatal, and there did not seem to be any probability of the establishment of a permanent Colony.

MR. LABOUCHERE said, he would state as a reply to the question of the hon. Gentleman, that if the treasurer depended solely for his salary upon a percentage on the amount of expenditure his emoluments would be almost worthless, and he did not think that £500 was too high a salary for a gentleman occupying a position of so much trust and importance.

MR. W. EWART said, he wished to ask if there was any prospect of the coal mines becoming productive for commercial purposes?

MR. LABOUCHERE said, that very sanguine expectations had been entertained at first, with regard to the produce of the coalfields at Labuan. In consequence of accidents and other circumstances these expectations had not been realized, though, he believed, that some hopes were still entertained of success, but he did not think the experiment ought to carried on much longer. He was, however, of opinion that the experiment ought to have a fair trial, for if a really useful British settlement could be established at Labuan, it would be of the utmost importance to this country.

Vote *agreed to;* as was also,

(8.) £10,000, Hong Kong.

(9.) £13,424, Emigration Board, &c.

MR. ADDERLEY said, the gradual diminution of this Vote proved the uselessness of this Board. When this Vote commenced, the Colonies took no part in the promotion of emigration; now, however, they took a very active one. At one time it was a great object with the Imperial Legislature to induce the poor to emigrate, because there was supposed to be a surplus population. The reverse was the case now. It was, however, still a great object with the Colonies, and he hoped it would long continue to be so, to encourage emigration from Great Britain in preference to emigration from any other part of the world. That being so, the Colonies should bear the expense. That they thought so themselves was evident, for they actually voted sums which were sent over to this country to be disposed of by the Board. This produced the anomaly that the funds belonged to one party, and the agency to another. The Colonies were much dissatisfied with the management of these funds, so much so that they had established an agency of their own, though it was subsidiary to the Board. He did not object to the maintenance of those officers who were entrusted with the carrying out of the Passengers Act, but he thought it more advisable that they should be placed under the control of the Colonial Office. He should not oppose the Vote at present, because he felt that the Board could not be instantly abolished, but he gave notice that when he had received the returns he had moved for on the subject, he should call the attention of the House to the question with the view to the reduction of that part of the Vote which referred to the chairman, commissioner, secretary, establishment, and contingencies, when these estimates should be brought forward next year.

MR. LABOUCHERE said, that the hon. Gentleman seemed to think the business of the Emigration Board had decreased. He was not prepared with the statistics at that moment, or he could show that the fact was otherwise. He had indeed been enabled to recommend that the establishment should be diminished to the amount of one Commissioner, and he believed that, notwithstanding the carrying out of that recommendation two years ago, no public department was better conducted. The Board had still very important duties to perform, in connection with passenger vessels, coolie emigration, and claims made on the Treasury, and it would, for the present at least, be quite impossible to dispense with their services. He might also state that the Bill relating to the appointment of emigration agents which had been introduced into the Legislature of the Colony of Victoria had not yet passed. He thought it of importance that the emigration offices should continue under the direction of a distinct department, which, however, was under the control of the Colonial Office. There certainly was not room at the latter department for the admission of a new branch, in fact they had hardly room for their own clerks.

MR. BRISCOE said, he would not go into the question whether the population of this country was in excess, but there certainly were large numbers of persons who could not obtain employment. For instance, great difficulty in getting employment was experienced by persons discharged from prisons and reformatories. He thought it well worth the attention of the Government and the Emigration Board, whether some portion of the funds at the disposal of the latter might not be devoted to assisting those who were discharged from the reformatory at Red Hill and other similar institutions to emigrate.

MR. MAGUIRE said, he should much regret if this Vote were to be diminished by a single farthing, knowing the frauds that were detected by these officers. He would beg to instance a case in which, upon overlooking the provisions of a vessel in which 200 persons were going out, it was found that what had been put on board as bread was really clay made up into the form of biscuits; and another case in which, after a vessel of 1,500 tons had been three times inspected by the officer at Liverpool, and on each occasion found to have the right number of men on board—in fact a full crew—a hooker came alongside a few minutes after the officer had left, on the termination of the last inspection, and took away twelve of the crew. A storm came on soon after she had set sail; and, the crew not being sufficient to manage the vessel, the captain was obliged to put into an Irish port for repairs, and to make up the deficiency of the crew. He hoped nothing would be done to diminish the efficiency of the staff. He did not wish to encourage emigration, but if people would emigrate, they ought to be protected against the frauds of the land-sharks.

Mr. KINNAIRD begged to remind the hon. Gentleman who spoke last that the hon. Member for North Staffordshire (Mr. Adderley) had not objected to the continuation of the emigration offices, but only to that of the Board. And he (Mr. Kinnaird) feared that the existence of that Board prevented the Colonies from doing all that they might do to promote emigration. While he admitted that the condition of emigrant ships had been greatly improved of late, still he would urge that, if possible, a more rigid inspection of them should be kept up at the different outports.

Mr. PALK complained of the restriction which the Emigration Board placed on the classes emigrating in particular districts. Artisans, skilled labourers, and good domestic servants, he believed, were the only classes allowed a free passage.

Mr. VANCE remarked that he wished to know if the money granted by Government in aid of emigration was given on any particular principle. There were complaints made in Ireland, that by the exercise of political patronage in particular districts, there the peasantry were enabled to emigrate at the expense of the nation, but not in others. He should like to know on what principle, if any, the aid was granted.

Mr. LABOUCHERE could assure the hon. Member that political influence had nothing whatever to do with the choice of emigrants. The whole of the arrangements connected with the system of emigration in this country, as well as all the appointments for carrying them out, were made by a permanent officer at the head of the Emigration Department, and the Colonial Office had nothing whatever to do with those arrangements or appointments. As to the principle on which free passages were granted, the requirements of the Colony were always studied with respect to the class of emigrants sent out from time to time, as well for the interests of the Colony as of the emigrants themselves, care being taken that the latter should be of an age and condition to be useful members of the society among whom they were destined to live.

Mr. W. H. G. LANGTON said, that he hoped that the right hon. Gentleman would take into consideration the claims of Bristol as a Government emigration port.

Mr. LABOUCHERE said, that any representation on that subject would be duly considered. The Emigration Board had no objection to place agents at any port where they could be usefully employed.

Vote *agreed to;* as was also

(10.) £2,175, Distressed Emigrants in Canada and New Brunswick.

(11.) £120,000, Holyhead Harbour.

Mr. LINDSAY said, he wished to call the attention of the Committee to the enormous sum of money expended on the works at Holyhead Harbour from time to time. From £628,000, which was the original estimate for the new harbour of refuge, the total cost of the works to the present time had run up to £1,303,000, and the Committee had no guarantee that the expenditure would stop at that point. It was now proposed to extend the pier 500 feet further into the sea than was originally intended, which would of course be attended with very considerable expense. The original object of the harbour, of which he had no complaint to make, was that it should be used as a packet station between this country and Ireland; but it had since been determined to make the place a harbour of refuge. If harbours of refuge were required in St. George's Channel, he much doubted whether Holyhead was one of the places best adapted for the purpose. Then it was asked for on the ground of increase of trade, but he thought he could show by a reference to figures that the port had not increased to a very great extent. He found from a not very intelligible return made by Captain Skinner, the port commander at Holyhead, that the number of vessels entering the new harbour of Holyhead in the six months ending the 30th of June, 1852, was 255, having an aggregate tonnage of 15,285, and that in the six months ending the 30th of June, 1856, the number was 1,117, having an aggregate tonnage of 83,848. Now, 255 vessels—the number which entered in the first half of the year 1852—assuming they were each of the burden of sixty tons, would have an aggregate tonnage of 15,300. Now, many a shipowner owned 15,000 tons of shipping; he (Mr. Lindsay) himself owned as much. And if one steamer of 80 tons register entered the port of Holyhead each day, that one steamer alone would represent a tonnage of 14,600 in six months. If two steamers of 280 tons register entered each day it would give a gross tonnage of 83,000 tons, and therefore he did not see any reason why, upon the ground of increased trade, the Committee should be called upon to vote more money. But it was said to be the intention of the Government to make Holyhead a port of call for American packets, not only for the mails and passengers, but for their cargoes. If, however, the American packets were removed from Liverpool, they would go to some point at the extreme west, such as Milford Haven or Galway, and not to Holyhead. As long as the House went on voting money for harbours of refuge, those harbours would never be finished. The only way to get them finished was to stop the supplies.

SIR CHARLES WOOD said, it was quite right that the attention of the Committee should be called to the expenditure of sums which, no doubt, in the aggregate were very large; but the hon. Gentleman had a little misunderstood the facts of this case. The hon. Gentleman said they were going to convert the packet harbour of Holyhead into a harbour of refuge. The hon. Gentleman was under an entire mistake, and had evidently not taken the trouble to refer to papers which for the last three years had been on the table of the House. As long ago as 1844, it was proposed that Holyhead should not only be the principal line of communication between this country and Ireland, but that it should be a harbour of refuge. It was so intended when first the construction commenced in 1847. Ample information had been given from time to time. There were two Commissions and a Report in 1843. In 1844, Mr. Rendell was called upon to submit a plan to the Treasury, and in consequence he laid before them a proposal for a packet station in connection with a harbour of refuge. Another Report, with estimates, was made in 1845, and on the 3rd of April, 1846, the Treasury authorized the construction of a harbour for a packet station and for a harbour of refuge at Holyhead. In 1847 there was a further Report by three naval officers, confirming former Reports, that Holyhead would be most convenient, not only for a packet station, but for a harbour of refuge. The hon. Gentleman said, one reason given for the Vote was the increasing trade of Holyhead; he begged to assure the hon. Gentleman that he would not find in any of the papers a syllable about the trade of Holyhead, the fact being that the trade there was not worth the construction of a harbour of refuge. The object was to afford shelter to the numerous vessels passing up and down the Irish Channel. The trade of Liverpool, Ireland, and America was intimately concerned in the existence of a harbour of refuge at Holyhead, which was a safe harbour, accessible at all times of tide, and sufficiently marked by lights to be easily entered. He did not know where the hon. Gentleman got his notion about the removal of the Liverpool packets, but there was not a word in any of these papers to justify it. It was hardly probable that, with the enormous commercial intercourse which existed between Liverpool and America that vessels with cargo would start from any other place than Liverpool. It had been thought by some persons that, as Liverpool was not the best port in the world, it might be convenient for the Liverpool packets to call at Holyhead to land passengers and mails, which would enable them to arrive so much the earlier and start so much the later. The hon. Gentleman said he did not understand what was the use of a harbour of refuge at Holyhead, but he would call attention to the number of vessels which had availed themselves of it. In the course of thirty years, the trade and shipping of the country had enormously increased, and the original plan was enlarged in order to increase the roadstead at Holyhead, and to afford greater accommodation. Representations were made to the Admiralty by Captain Skinner that the number of vessels taking refuge in the harbour was very greatly increasing, and on consulting with the hydrographer of the Admiralty it was determined to increase the accommodation. A return which had been laid upon the table of the House showed how great this increase had been; and here he would remark that what the Committee ought to look to was the number of vessels and not the amount of tonnage. This return gave the number of vessels which had taken refuge in the harbour in each six months from the 1st of January, 1852, up to the present time. These numbers, in the successive half years, were 255, 259, 483, 810, 831, 840, 834, 872, 1,117, and, in the half year ending December 31, 1856, 1,325. This rapid increase was of itself a complete justification of the demand for additional accommodation. Moreover, the necessity of providing the means of rapid communication with Ireland must not be overlooked. A contract had lately been entered into for an improved communication, and the vessels which would be required to carry it out with the specified speed, would have to be of an increased size, so that additional accommodation would be requisite for them also. On a former occasion the House had called upon the Government to undertake the improvement of Holyhead Harbour, and he hoped, therefore, that they would not now sanction this proposition for stopping the works which were going on.

Sir CHARLES NAPIER said, he wished to know whether in the 1,325 vessels quoted by the right hon. Baronet as having taken refuge in Holyhead Harbour during the last six months, were included the short passage steamers which left the harbour in the morning and came in in the evening? If so, they of themselves would be sufficient to make up the number. He was in favour of harbours of refuge, if necessary, and also in favour of rapid communication between London and Dublin; but he thought that a case was hardly made out for the proposed expenditure of £100,000 for the harbour.

Mr. BENTINCK said, the harbour under consideration was the new harbour, and if the practice had not been altered since he was last at Holyhead, the steam packets were confined to the old harbour. [Sir C. Wood: Hear.] He had no knowledge of what was the original intention of Holyhead Harbour, but so long as he remembered, it had always been talked of as being for the double purpose of facilitating communication with Ireland and affording a place of refuge for vessels in stress of weather. The increased number of vessels which took advantage of the harbour as a place of refuge showed the necessity of additional accommodation, while he considered it as superior for that purpose to any other harbour which had been suggested on that coast. But, however that might be, he certainly did not think the stopping all supplies would be the best way of remedying the general demerits of the system which now existed with reference to harbours.

Mr. LINDSAY said, that the words of the Vote showed that it was the intention of the Government to remove the American packet station from Liverpool to Holyhead. He would repeat, however, that if there was to be any removal of the station it ought to be removed to some port in the extreme west. The increase of vessels which appeared in the return as having taken refuge in the harbour was very great, but it was also apparent, from the tonnage of those vessels, that the majority of them must have been but fishing smacks. It was, no doubt, advisable that we should have a good harbour at Holyhead, but what he said was, that to vote a large sum of money to make the harbour a postal station for America was a great mistake.

Mr. KINNAIRD said, he could bear testimony from personal observation that the number of vessels which took refuge in Holyhead Harbour had not been exaggerated by the First Lord of the Admiralty. He would further observe, that whether the vessels taking refuge were large or small, it did not affect the value of the harbour, as the object of a harbour of refuge was to save life as well as property.

Mr. BENTINCK said, the name of Captain Skinner having been mentioned, he wished to say, that he had known that gentleman for a great many years, that he was highly distinguished in his profession, and that he knew no man whose opinion on any subject connected with that profession he would more readily take.

Mr. O'FLAHERTY observed, that he thought the House ought to know exactly what was the great object in view in laying out so much money on Holyhead Harbour. If it was right that, in addition to being a packet station for Ireland, it should also be a harbour of refuge and a point of communication between Liverpool and America, he had certainly no objection; but they should be exactly informed on the subject, in order that the whole question might be thoroughly considered by the House. He demanded, on the part of other ports, both of England and Ireland, that there should be a fair consideration of this question, and that those places should not be checkmated by these annual grants to Holyhead. He could not help thinking that the Government had an object different from that which appeared on the face of the Vote.

Mr. JOSEPH LOCKE said, he thought there ought to be some expression of the opinion of the House relative to the annual increases in these Estimates. Last year there was a very large increase in the sum voted, and the right hon. Gentleman the First Lord of the Admiralty had told them this was done with the unanimous sanction of the House. This year there was an increase of £100,000, and if quietly agreed to, the unanimity of the House would be urged next year in favour of another large Vote for the same objects. He objected to the practice of adding to the Estimates after they had been laid before the House. If such things were allowed, it would be impossible to keep a proper guard over the public purse.

Mr. SCHNEIDER said, he also was able to speak of the great advantages which the shipping trade of the West of England had derived from Holyhead as a harbour of refuge. Encouragement was given to vessels to put to sea when it was known that there was a harbour of refuge for them to flee to in circumstances of distress. Last winter twenty-five vessels belonging to himself took refuge in Holyhead, and many of them would not have put to sea at the time they did but for the knowledge that they had that harbour to run into. He thought the Government had conferred a great boon upon the country in erecting Holyhead into a harbour of refuge.

Mr. HUDSON observed, that he did not object to a harbour of refuge at Holyhead or any other place, but he complained that nothing was done for the north of England. The Government had promised to relieve the shipping interest of the north from the payment of passing tolls—a heavy tax from which they derived no benefit whatever—but that promise had not been fulfilled. Harbours of refuge were much desired by the inhabitants of the north of England, and he confessed he did not see why Holyhead, Dovor, and a few other places should alone have public money bestowed on them for these purposes. He wished it to be understood that in future he would oppose any grant of money for harbours of refuge to other parts of the country if the north of England were not included.

Vote *agreed to.*

(12.) Motion made, and Question proposed, "That a sum, not exceeding £224,000, be granted to Her Majesty, towards defraying the Expense of constructing certain Harbours of Refuge, to the 31st day of March 1858."

Mr. HENLEY said, there could be no doubt, after the discussion that had taken place upon the last Vote, as to the importance of the subject of harbours of refuge, though, at the same time, it was not unattended with difficulties. His principal desire in rising to address them was, to call the attention of the Committee to the objects for which the Channel harbours had been commenced, the progress that had been made with them, especially Dovor harbour, and the probable period in which the works would be completed. He also wished to know whether the Government intended to carry out the works which had been recommended, or whether they had other intentions. The inquiry about Dovor commenced about seventeen or eighteen years ago, when a commission was issued—known as Sir James Gordon's Commission—to inquire into the state of the south-eastern ports. The instructions given to that commission were, to visit the coast between the mouth of the Thames and Selsea Bill, and to examine and report upon the state of the existing harbours, with a view to making them available for various objects. The first object in view was, to afford shelter for vessels passing down Channel, in case of stress of weather; next to make places of refuge for merchant ships from enemies' cruisers in time of war; and thirdly, and most especially to render them fit as stations for armed steam vessels for the protection of our trade in the Channel. Those instructions were followed, and the commission reported that they were decidedly in favour of constructing deep-water harbours by means of breakwaters detached from the main land, upon the same principle as that at Plymouth Sound, and connected with the shore, as in Kingston harbour. The Commissioners added that, in their opinion, the most eligible position for such a station was Dovor Bay. In order to prove that military and naval objects were those which Government had chiefly in view, he might mention that the commission was composed of three fighting men—an admiral, a captain, and a colonel—a Trinity-house master, and two civil engineers.

Nothing, however, appeared to have resulted from that commission, and about 1842, a committee, known as the Shipwreck Committee, sat, and recommended many things, but it only touched lightly on harbours of refuge. In 1844 and 1845 another commission was appointed, in which also the fighting element largely predominated, and they recommended, in their first Report on the 7th of August, 1844, that a harbour be constructed at Dovor, and that the works should be immediately commenced by carrying out that portion which communicated with Cheesman's Head. They added, that only one work should be taken at a time, giving the preference to Dovor, and in the second place to Portland, or Seaham. All the Commissioners signed that Report except one, Sir William Symonds, who protested against the adoption of Dovor, and reported in favour of Dungeness. Nothing, however, was done, although the question had been under consideration for upwards of four years. He did not, however, find fault with the delay, but he mentioned these circumstances to show that successive Governments had given the subject their most careful and deliberate attention. Mr. Walker and several other engineers were next employed to prepare plans for the harbour, and also to state their opinions as to whether the shingle and silt would destroy the works when completed. They reported in favour of beginning at Cheesman's-head, but said that no safe conclusion could be arrived at with respect to the shingle and silt; and, in 1845, they recommended that the south front should be proceeded with. He now came to the second Report of the Commissioners, which was communicated to the Government in 1846. The Commissioners stated, in the first instance, that they were decidedly in favour of a harbour in Dovor Bay, adding that the chief points for consideration were the area, the outlines, the position, the entrances, and the mode of construction. They also recommended that the works should be commenced at as many points as practicable, and expressed their earnest hope that no pecuniary considerations would be allowed to delay the accomplishment of an object of such vast importance for the welfare of our shipping, and the general interests of the country. They also went at some length into the question of construction, and the consequence was, that two of the Commissioners —Sir William Symonds and Sir Howard Douglas—dissented from the Report, the former stating that a large area was unnecessary, as the harbour would be visited only by war steamers, post-office packets, and a few disabled or straggling merchant vessels, and that the evidence with regard to silting, and the mode of construction adopted by a majority of the Commissioners—namely, an upright wall —was conflicting and unsubstantial. The reasons of Sir Howard Douglas were stated at length and with great ability in a paper addressed to the Government. The impression left upon his (Mr. Henley's) own mind, after carefully reading the evidence given before the Commissioners, was, that almost any amount of respectable testimony might be obtained on behalf of the most contradictory propositions. No man, whether professional or non-professional, who looked at the list of the eminent scientific gentlemen who were examined by the Commissioners, and saw how they disagreed, would venture to give an opinion upon the subject. Hydrostatics and hydraulics, particles in motion and particles at rest, assertions of some witnesses that Plymouth was a total failure, contrasted with those of others, that it was a great success—these things, with many more, danced through the evidence in the most extraordinary manner, producing a jumble and confusion of ideas which it would be difficult to describe. His own opinion was, if he might venture to have one, that, as in many other instances, the votes went one way, and reason another. At last, however, in the autumn of 1847, after a deliberation of seven or eight years, the works were commenced, the Commissioners having decided —Sir Howard Douglas and Sir William Symonds dissenting — to build the walls nearly upright, and to enclose an area of about 520 acres. The estimated expense was stated to be about £2,500,000. He now came to the progress of the works, and here he must express the strong opinion, which he thought would be shared by the Committee, that it was very desirable the country should be informed what the Government really meant to do with these works — whether they intended to carry them out upon the original plans, or how they proposed to modify them. They began with taking some £30,000 or £40,000 a year, and the first contract, which was for a length of 800 feet, was concluded in 1854. A second contract was then entered into for 1,000 feet, still proceeding upon the plans which accompanied the final Report of the Commissioners, and in which no material alteration was made, except as to size and the position of the entrances. Up to the present time, therefore, the progress of the works had been extremely slow. Only 800 feet out of one mile and three-quarters, which was the length of the whole plan, were completed in 1854, with some little extension of the foundations, and the contract which had been entered into since then for 1.000 feet was to extend over ten years, ending in 1864, being at the rate of 100 feet per annum. It did not seem to him that the works had progressed even at that rate, and he would presently make some observations to show the reason why they had not done so. This work had to be executed by means of the diving-bell in deep water; and here he could not help taking this opportunity of saying that he believed no praise could be too high for the skill of the engineers and the whole of the persons employed in carrying out the undertaking. It was right to state that he was not here to find fault with the workmanship, for he believed that it would be impossible to carry out a difficult and arduous work with greater skill, energy, and industry, or with greater perseverance. He was bound to bear his willing testimony to that. The work, however, was proceeding at a very slow pace. The Secretary of the Treasury, the other night, in explaining the progress made with the works at Holyhead Harbour, made some remarks so pertinent to his present subject that he could not help quoting them, especially as he was sure they had the sanction of Her Majesty's Government. He said—

> "If important public works of this kind were to be carried out at all, the quicker they were advanced the better for the interests of the community. While the works continued unfinished a vast capital was lying idle, from which the public derived no advantage; whereas, the sooner they were brought to completion the sooner would the country reap the benefit of the expenditure."

In every word of this he heartily concurred. To carry out great works of this nature in a dribbling manner was nothing less than a waste of public money. Both the Commissioners and Mr. Walker had advised that the works at Dover should be begun simultaneously at more places than one, and completed as rapidly as possible; and they also attached greater importance to this harbour than to any of the other works which they recommended. These suggestions had not, however, been practically attended to. He would now call the attention of the House to some facts to prove his assertions as to the slow progress of the works. Only 800 feet of the masonry had been finished in seven years up to 1854. Another 1,000 feet were contracted to be finished in ten years more, which would bring them to the year 1864. The former part of the work had been executed in comparatively shallow water, but now the operations had to be carried on at about forty-six feet below low water-mark. There still remained to be completed, according to the plans, 8,500 feet, which, at the present rate of progress—namely, 100 feet per annum — would take eighty-five years. If they added to this the seven years required to finish the 1,000 feet contracted to be finished up to 1864, this would give them a period of ninety-two years over which the work would extend. Surely this slow rate of progress involved a great waste of capital, upon which the hon. Gentleman whom he had quoted would dilate at some length. But taking the work done in deep water, and averaging it with that done in shallow water, they would find that between 1847 and 1855 the actual rate of progress was not 100 feet but only eighty-six feet per annum. Indeed, in 1855, only forty-six feet of the foundations had been laid, and in 1856 fifty feet more; and as it was clear the work could not proceed faster than the foundations, instead of the undertaking being completed in 100 years, if it went on at the present rate it would probably require 200 years. Surely, this was a very unsatisfactory prospect; and therefore he thought it would not be considered unreasonable if he asked the Government to state for his information and that of the country, whether they intended to carry out this work according to the recommendation of various Commissions. Sir W. Symonds apprehended some difficulty as to the foundations. Let the Committee mark the facts disclosed on this point in successive Reports from Messrs. Burgess and Walker. In April, 1855, Mr. Walker said—

> "The progress of the works has been much delayed by the weather, and also from the chalk foundation not proving so good as in the portion nearer the shore, as stated in our special report of the 29th of July, 1854."

The special Report here referred to had not been laid before the House. In July, 1855, Mr. Walker followed up his former statements in these words—

> "The surface of the chalk being still of an inferior quality, it has been necessary to sink the masonry a considerable depth into it to obtain a good foundation. The foundations are forty-one feet below low water, spring tides."

The Report of the 10th of October, in the same year, said the foundation was still retarded from the necessity of removing a large quantity of soft material before it could be laid. It added, "The foundations are being laid forty-three feet below low water, spring tides." In July, 1856, Mr. Walker reported that "the soft nature of the bottom still retards the progress of the works;" and on the 8th of October, of the same year, he said, "The foundations are being laid upon the same description of bottom as described in our former reports, forty-five feet below low water, spring tides." In April, 1857, the Report stated—

> "The walls are now being placed at forty-six feet below low water, spring tides, upon a foundation of broken flints and sand. This, though not so satisfactory as the solid chalk, has shown no symptom of insufficiency."

What might be the value of "broken flints" as a foundation he could not say; but to build upon "sand" was not commonly reckoned a very satisfactory process. He begged to ask the Government whether, in the face of these public Reports, they meant to go on with the execution of these works in their entirety, and when they expected them to be completed? The Commissioners distinctly recommended that means should be taken to ascertain what would be the extent of the silting. It was said that the quantity of silting deposited each year was six inches. If that were so the harbour would be filled up long before the expiration of 100 years. He therefore wished to know whether the Government had taken any measures to ascertain what silting, if any, there had been. There were other points on which no information was given in the Reports, but on which he should be glad to receive from the Government as much information as they possessed. A civil engineer named Brooks had written letters to the public journals, stating that the water had altered very much in depth at its entrance. It would be satisfactory to know whether that was correct. Another matter which bore very much upon the time at which the harbour would be completed was the interruption that the work had experienced from time to time from gales of wind. Mr. Walker's Reports, curiously enough, stated some things which certainly threw some light upon those discussions which took place before the Commission, as to the manner in which the harbour should be constructed. One point discussed by learned men at that time was whether, in point of fact, there was any percussion by the sea, some maintaining that there was and others that there was not. Mr. Walker's Report, dated January, 1851, referring to the storm which took place on the 23rd of October, 1850, stated that portions of the new works were thrown down during the storm, as they were unable to withstand the continued shocks. Now he (Mr. Henley) apprehended that shocks meant something like percussions. The successive gales and continued shocks washed upwards of 200 tons of stones out of their beds. He had been told by persons conversant with the subject that these stones were of very large size, and that they had been fastened to each other by cramps, in the strongest manner known to engineers. On another occasion the same thing took place. In 1853 many stones were replaced, and it became necessary to take up many other stones in order to replace them. Again, in 1854 a portion of the stones was displaced, and 240 feet of the staging was carried away. These accidents had no doubt occasioned great delay, but it was a matter of great importance to the House to be informed whether the Government really intended to complete the work as recommended by the Commissioners, and whether they intended to proceed at a more rapid rate with it than at the rate of forty or fifty feet a-year, for if not, it would occupy from 150 to 200 years in construction, and be like the works at Cherbourg, and other places, portions of which were, up and down, and up and down again, before the whole was completed. The Government ought to state distinctly whether they intended to make a harbour of refuge at all at Dovor, or whether they thought they had gone far enough, and that sufficient shelter for the ordinary class of vessels was afforded by the present pier. It was quite clear that the harbour was at present a defence against enemies rather than against storms. The Government had, of course, been occupied by other matters during the last two or three years, and that might be a reason for the dilatoriness with which the work had been proceeded with. He did not intend to oppose the Vote, because he thought the House was not in possession of sufficient information to warrant him in taking that course.

He had no objection to make against the manner in which the works were being proceeded with at other harbours; but, as the Government had taken about eight years to consider the question as to Dover Harbour, they ought to tell the House what decision they had arrived at.

MR. AYRTON said, the right hon. Gentleman had misapprehended what his hon. Friend (Mr. Lindsay) had said with regard to Holyhead Harbour. He did not deny that small vessels required as much protection as large ones, but he maintained that they required a different sort of protection. Not more than six or seven vessels of ninety tons had entered the harbour, and, notwithstanding the accommodation already provided, it was proposed to add 100 additional feet to it.

THE CHAIRMAN interrupted the hon. Gentleman by reminding him that the Vote with respect to Holyhead Harbour had been *agreed to.*

SIR CHARLES WOOD said, he did not think it was necessary for him to follow the right hon. Gentleman opposite throughout the lengthy details into which he had entered. If any hon. Gentleman had any desire for more detailed information on the subject, he might refer to the evidence given before the Committee of 1848 on Miscellaneous Estimates, before which he (Sir C. Wood) was examined at very great length as to the origin of these harbours of refuge. The right hon. Gentleman had correctly stated, that two Commissions had sat upon the subject, and that it had been considered for a long time by different Governments. The result was the commencement of the works at Dovor to which the right hon. Gentleman had referred. He had also correctly stated, that several gentlemen, learned in such matters, gave very discordant opinions about these works, and he (Sir C. Wood) was not sure that a much more satisfactory result could be arrived at by the House, if the question of construction were again discussed by them. So far as he understood the drift of the right hon. Gentleman's observations, they were directed first to ascertain the plan which the Government proposed to carry into execution at Dovor; and next to complain, that the progress of the works was not quite so rapid as was desirable. As regarded the great question, whether the Government had made up its mind to construct the whole harbour as recommended by the Commission, he was afraid he could not give the right hon. Gentleman any satisfactory explanation, for the simple reason that, as far as he knew, the subject had never seriously been considered by any Government. The two Commissions which had reported, differed as to the area which should be included in that harbour, as well as upon other points, the estimate in the one case being £2,000,000, and in the other £2,500,000. One of these Commissions, in their Report, said—

> "Entertaining the strong opinion we have expressed of the necessity of providing, without delay, a sheltered anchorage in Dovor-bay, we venture to urge upon your Lordships' attention the advantage of immediately beginning the works by carrying out the portion which is to commence at Cheesman's-head. Whatever may be finally decided as to the form and extent of the works in Dovor bay, the pier from Cheesman's-head, run out into seven fathoms water, appears to be indispensable as a commencement, and it will afford both facility and shelter to the works to be subsequently carried on for their completion. This will give sheltered access to the present harbour during south-west gales, and protect it from the entrance of shingle from the westward; it will afford time, also, for observation on the movement of the shingle within the bay, and for further inquiry as to the tendency which harbours of large area on this part of the coast may have to silt up."

That which was recommended as the indispensable commencement of the larger harbour was to carry out the pier from Cheesman's-head into seven fathoms water, and this was all which the Government, up to the present time, had decided upon doing. In 1847, as the right hon. Gentleman had stated, a contract was entered into for carrying out a pier to the extent of 800 feet, beginning from Cheesman's-head, seven years being the time within which that portion of the work was to be executed. In 1853, a further contract was entered into for the extension of this work 1,000 feet further, which would accomplish the original design of carrying out the pier to the westward of the existing harbour into six and a half or seven fathoms of water. This was the extent of work at present contracted for. If the ultimate decision of the Government should be not to construct the larger harbour, a most valuable work would still have been completed, capable of sheltering vessels and of holding a steamer at any state of the tides. The importance of a place of this kind, into which a steamer stationed in the Channel for the protection of our trade could run at any time for the purpose of coaling, would at once be appreciated by the hon. and gallant Admiral

(Sir C. Napier). The right hon. Gentleman asked, what had been the effect of the pier upon the present harbour. He was happy to say, that the erection of that pier had entirely prevented the accumulation of shingle within the old harbour. The right hon. Gentleman had then referred to a recommendation from the Commissioners, that the work should be commenced in various places at once. The Government, however, thought it much more wise to act upon the other recommendation which he had alluded to, and to commence only so much of the work as was likely to be of immediate use, and to afford a permanent shelter for vessels, whatever might be the decision of the Government with respect to carrying out the entire scheme. As far as it had gone, the erection of the pier was found, as he had said, to have prevented the accumulation of shingle in the harbour, while it afforded great protection from the south-west gales. He quite agreed with the right hon. Gentleman, that the work was one which reflected the highest credit upon the engineers and upon all engaged in it. As to its progress, that depended upon the amount of money voted. No doubt, the work might be proceeded with much more rapidly—he was speaking now on the authority of the engineer—if a larger sum were appropriated to carry it on. There were, however, certain economic conditions which interfered. So long as a number of these works were in course of construction, the amount expended on each must be kept within certain bounds, so that the gross amount expended in this way might not be too large. He agreed with the right hon. Gentleman, that it would be desirable to make more rapid progress; but at the same time it was not true that the works already erected were of no service, and that the money as yet expended was thrown away. On the contrary, he had shown that these works, as far as they had gone, were of the greatest possible advantage to the harbour. This was not a case in which the work was valueless until the whole was completed. Of course, when the whole plan was executed a greater amount of shelter would be afforded, but every successive fifty feet added to that shelter. With regard to the silting, the mere erection of a breakwater running out at right angles from the shore was not calculated to have any effect on the silting-up of the harbour. That question would arise only in the event of an enclosed harbour, and no perceptible effect had been produced one way or the other by the construction of this breakwater.

Sir CHARLES NAPIER said, he did not believe that Dovor harbour would ever, properly speaking, be a harbour of refuge. If they turned to a chart they would at once see that, with a westerly or south-westerly wind, the whole of the trade coming up the Channel would pass the North Foreland and run to the Downs, where they would be perfectly safe. For vessels coming from the westward, therefore, Dovor would be perfectly useless; and masters of ships navigating the Channel would tell them that they would no sooner think of running into Dovor than they would of getting to the moon. He believed that the construction of a harbour of refuge at Dovor was a hobby of the late Duke of Wellington; but he (Sir C. Napier) was certain that it was utterly valueless for such a purpose. If, however, the work did not proceed more rapidly than at present, it would not be finished for 200 years. So they had better give up all idea of making it on a grand scale, and maintain it, not as a harbour of refuge, but as a place to which our steam ships might resort for the protection of trade in the event of war. In his opinion, if a harbour of refuge was made anywhere, it ought to be either at Sandwich, or in proximity to the Goodwin Sands.

Mr. BENTINCK said, that what the House had heard from the right hon. Member for Oxfordshire (Mr. Henley) and the hon. and gallant Member for Southwark (Sir C. Napier), showed pretty clearly that the best thing to do was to stick to the original plan of 1,800 feet from Cheesman's-head. The point they had now to consider was, who was the responsible party to originate these harbours, to decide upon the locality, and also upon the manner in which the works should be carried out. That was a point which ought to be clearly understood before they came to a decision. A Committee had recently been appointed to inquire into the subject of harbours of refuge, and it was not his intention to offer the slightest disrespect to those hon. Gentlemen; but he must say that to submit to such a Committee questions like these he had just mentioned, was simply ridiculous. It was utterly impossible for the ablest men in that House to deal with these subjects, for this reason—that the evidence they had to examine was such that they must be able to test from practical personal knowledge the value of that evidence before they could arrive at a decision. Every hon. Gentleman who was conversant with inquiries before Committees of this House knew that local engineers would often express the strongest opinions in favour of their own particular locality, no doubt in good faith, but still influenced by local prejudices. Now, unless the Committee was composed entirely of engineers, he defied them to test the value of such evidence, and ascertain which was the man who was giving fair evidence, and which was trying to impose upon the Committee. When they came to decide as to the best localities for harbours of refuge they came to a still more difficult question; and this Committee, on which he believed there was only one naval man, would have to decide which was the best locality, say on the east coast of England, for a harbour of refuge, upon the evidence of North Sea pilots and masters of coasters. In a case like that what possible chance had a Committee of this House, unless practically conversant with the subject, of cross-questioning with any advantage men of that description? The thing was useless. The fact was that they were going on in the dark, and unless they knew the authority upon which those works were to be carried out, the sooner they were put a stop to the better. He trusted, then, that the House would be informed what were the questions referred to the Committee just appointed, and how far it was intended the inquiries of that Committee should extend. With regard to the Vote for the harbour at Alderney, it was not his own opinion only, but that of men of the highest authority, that every shilling laid out there had been wasted, and that the money might as well have been thrown into the sea. The great difficulty was for a sailing vessel to get in there at all. And as to supposing that in time of war it would be of any use in watching Cherbourg, the harbours of Portland and Spithead were much better adapted for that purpose, and were within almost as convenient a distance. With regard to Portland, the work there was, in many respects, a most useful one. It was a great national work, and he trusted it would be persevered in.

Sir GEORGE PECHELL observed, that he had always understood that Dover Harbour had been created in deference to the wishes of the Duke of Wellington, as a harbour of aggression rather than a harbour of refuge, his Grace's opinion being that it was absolutely essential that something should be done to protect the coasts of this country, especially about that spot. The Dover Harbour might be a valuable resort to our steamers and other vessels in the English Channel, but he should rejoice if anything were done to relieve the mercantile marine from the gross impositions called "passing tolls," which were now levied upon vessels sailing through the Straits of Dover.

Mr. LIDDELL remarked, that he did not rise to offer any opposition to the Vote, but he believed that the harbours of Dovor, Portland, and Alderney, as now proposed, were the basis of a great system of national defence, which had received the sanction, approval, and recommendation of the late Duke of Wellington. He objected, however, to works in the nature of national defences being placed on the Estimates as harbours of refuge for shipping. He also thought that the country should be fairly informed of their ultimate expense. The harbour of refuge at Dovor would cost not much less than £5,000,000; the works at Alderney about £1,300,000; and those at Jersey about £600,000 or £700,000. Now he wished to point out to the Government that the coast extending from the Humber to the Forth was unprovided with a single place of refuge into which during north-easterly gales vessels could run with safety. Remembering the proportion which the trade of the Tyne and the Wear bore to the coasting trade of the entire country—the amount of shipping and the number of wrecks, which was greater within a given radius of this coast than on all the rest of the English coast—it was no wonder that the ship-owners of the north-east coast felt a little aggrieved at the vast cost of the works now forming at Dovor and elsewhere, while their own claims met with no recognition.

Mr. LINDSAY said, he believed that the subject of a harbour of refuge on the north-east coast had better be left to the Select Committee appointed a few days ago to consider the subject of harbours of refuge. He also doubted whether the House of Commons was warranted in spending so much money at Dover and Alderney, seeing that there were various parts of the coast where harbours were more required. He should move the reduction of the Vote by £134,000 in order that the question of Dover Harbour and Alderney Harbour might be referred to the Committee just appointed. The reference need not delay the progress of the works more than a few months.

Motion made, and Question proposed, "That a sum, not exceeding £90,000, be granted to Her Majesty, towards defraying the Expense of constructing certain Harbours of Refuge, to the 31st day of March 1858."

SIR JOHN JOHNSTONE observed, he could corroborate the statement of the hon. Member for Northumberland, and could testify to the strong opinion upon the north-east coast that a harbour of refuge ought to be constructed there. He believed that during the last sixteen years a sum of £3,500,000 had been laid out in connection with harbours of refuge throughout the kingdom, while not a penny had been laid out upon the north-east coast for that purpose. He hailed with great satisfaction the circumstance that a Select Committee had been appointed to investigate the subject, because he felt assured that it would be found that, owing to the number of shipwrecks which took place on the north-east coast, the establishment of harbours of refuge there would be found to be a work of pressing necessity.

MR. WARRE said, he had never heard so unreasonable a proposition as the one before the House, which went to cut down the expenditure upon works which all present wished to see completed. He trusted that the Committee would not sanction the reduction of the Vote.

MR. HENLEY said, it was to be inferred, from what had fallen from the right hon. Baronet the First Lord of the Admiralty, that Dover ought to be struck out of the category of harbours of refuge, and that the breakwater there ought to be regarded as being constructed merely with the view of facilitating the entrance of packets into the harbour, and providing for the coaling of steamers. In future the charge for this purpose ought to form part of the Post Office and Naval Estimates. Still, it became worthy of the consideration of the Committee whether so large a sum as was proposed should be expended simply for the attainment of that object. But, while such was his opinion, he could not vote that the sum be struck out, inasmuch as if the underground works of the breakwater were not completed, the money which had already been expended upon them might be perfectly thrown away.

SIR CHARLES WOOD said, that the title of "harbours of refuge," under which head the Vote for Dover and Alderney had for some years been taken, was, perhaps, not very appropriate. The fact was, that they were not aggressive harbours, as some hon. Gentlemen had stated, but harbours of military defence. At the time at which a Vote had been taken for them, it had been deemed desirable not to attract the attention of neighbouring nations, whose susceptibility might have been awakened by their formation, and consequently their real purpose had been veiled under the more pacific designation of harbours of refuge, for which purpose they had to some extent been made available. The real object of their construction had, however, been the defence of our coasts and the protection of our trade. In corroboration of that statement, he should read to the Committee the opinion of the Duke of Wellington upon the subject. It was as follows:—

> "I should say that, considering the want of protection from the weather or from military attacks in the Channel, the trade of the port of London will be in a very precarious situation, and will be a very losing one in a variety of ways in time of war, if something is not done beforehand, if anybody will just consider the advantage the French coast enjoys over the coast of this country in the observation of what is passing at sea. It is to the southward; they have the sun at their back, they see everything quite clear, and it is very possible from the coast of France to calculate to a moment at what period a vessel coming up Channel will arrive at particular points, and they may be in readiness to seize her at any point which may happen to be unguarded, supposing the vessel to be without convoy, and supposing that there should be no naval succour at that point to take care of her."

It was clear, then, he thought, that the principle upon which the harbours in question had been constructed was that of providing stations of military defence on the south-eastern coast, but the time had now passed when it was possible or necessary to attempt to delude anybody, for every one must know the object of such works as those at Alderney. When the breakwater at Dover was completed, by carrying it out into seven fathoms water, as recommended by the Commissioners, the harbour would be found a most valuable station for steamers, where they might lie in safety, and take in coal; but, as the Committee would perceive, the right hon. Gentleman opposite was wrong in supposing that that was the sole object of its construction. He could not concur in the opinion that an efficient watch could not be kept on the French coast from those harbours, inasmuch as he believed it impossible that a vessel could leave the port of Cherbourg without being seen from Alderney. With respect to harbours of refuge on the north-east coast, they stood on a perfectly difficult footing, for they must be looked on as mere commercial harbours of refuge for the preservation of trading vessels.

MR. BENTINCK said, the statement of the right hon. Gentleman proved that a Committee of the House was not the proper place to discuss those questions. If Alderney were intended to watch Cherbourg, it could not fulfil that intention, as 500 vessels might leave Cherbourg without a single vessel in Alderney seeing them. He thought that a Commission properly constituted would be the proper tribunal to which to refer the whole subject, and he could not but regard the work, so far, as having led to an expense which would ultimately prove quite useless.

MR. PEASE did not think that the dignity of the House could be maintained by commencing these works, and then not carrying them out to any useful purpose. He deplored what he considered a serious waste of money in respect to one or two of the harbours in question, but he wished that the Committee about to be appointed should be encouraged in considering the question of such harbours of refuge as might be wanted for the purpose of commerce and humanity.

Amendment put, and *negatived*.

Original question put, and *agreed to*.

(13.) £12,000, Captured Negroes, &c.

SIR GEORGE PECHELL said, he rose to express his opinion that the time had arrived when the Government must change the policy they had hitherto pursued. He thought that either a treaty should be concluded with Spain, or that the Government should take the matter into their own hands, and station a great number of cruisers off the coast of Cuba, instead of the coast of Africa. Keeping up insufficient naval establishments on the coast of Cuba was a positive waste of money. He should like to hear some statement of the number of negroes captured of late, and also of the grants of money, amounting to £1,291, to ex-King Pepple. There was a grant of £1,200 to Mrs. Backhouse, widow of the Commissary Judge at the Havannah, who was murdered in consequence of his zeal and activity in the cause in which he was employed. He did not think that the widow of a man who had lost his life in the service of his country should have been placed on that list.

MR. GREGORY remarked, that he should be sorry to make invidious allusions to oppressed potentates, but he thought, before the Committee voted a grant of £1,200 to King Pepple, they should know something of the good he had done. He had heard something of this ex-King, and he believed that since his fallen fortunes the monarch incurred but a moderate expenditure, his chief luxuries being rum and tobacco. He had seen a picture of Pepple sitting in a very unkingly position on a puncheon of rum, with a pipe in his mouth, his costume being a cocked hot and a laced coat, while all the rest of his person was in a primitive state of nature. The rest of the kings and chiefs in the list had only received £190 altogether, while King Pepple had got more than six times that amount.

MR. AYRTON said, he had seen King Pepple the other night, and if every item in the Vote was as justifiable as the amount paid to that individual, he would pass it over without objection. That unfortunate person had been the King of Bonny, and made a treaty with the British Government, whereby he agreed to suppress the slave trade in his country for a very small sum. That treaty was, he believed, in strict accordance with the policy which the Government had for many years pursued, and the item in the Vote was for the payment of the balance of the subsidy due under that treaty. He could conceive no better way of putting down the slave trade than by entering into treaties with the chieftains on the coast; but those treaties once made should be scrupulously observed. It seemed unfortunate, however, that the end of all treaties between native chiefs and this country was the dethronement of those chiefs and the annexation of their territory, and that had been the case with this unfortunate ex-King. He trusted, however, that the noble Lord the Secretary for Foreign Affairs would inquire into the circumstances, and that justice would be done to him. As to the ludicrous picture which had been drawn by the hon. Member for Galway, he could only say that when he saw the ex-King he was as well dressed as the hon. Member himself.

MR. WILSON said, that he begged to remind the Committee that what was before the Committee was a mere memorandum of the expense incurred during the past year, and not an Estimate for the expenses of the year following. With regard to the two items to which reference had been made, he was sure that no one who was acquainted with the eminent services of Mr. Backhouse would grudge the small pension to his widow. With regard to the item for the ex-King Pepple, part of it referred to the sum which was furnished to him under the treaty which had been entered into with him for the suppression of the slave trade.

Vote *agreed to,* as was also—

(14.) £11,050 Mixed Commissions for the Suppression of the Slave Trade.

(15.) Motion made, and Question proposed, "That a sum, not exceeding £125,089, be granted to Her Majesty, to complete the sum necessary to defray the Expense of the Consular Establishments Abroad, to the 31st day of March 1858."

MR. WISE said, he wished to ask the noble Lord at the head of the Government whether, at an early period in the next Session of Parliament, he would undertake to appoint a Committee to inquire into the whole consular system?

VISCOUNT PALMERSTON said, that the hon. Gentleman was aware that last year the Government gave a pledge to the House that such a Committee should be appointed this year. The reason for not appointing that Committee last year was, that certain returns called for by the Foreign Office, which were essential for the information of the Committee, could not be obtained in time. During the present year the circumstances which had led to the dissolution of Parliament, and the interval which had elapsed before the meeting of the new Parliament, had rendered it impossible that such a Committee could be appointed with any prospect of bringing its labours to a satisfactory conclusion, but he was prepared to assure the House that the Government would take the earliest opportunity next Session to appoint such a Committee, and to lay all the information they could before it.

MR. A. W. KINGLAKE said, he wished to ask the first Lord of the Treasury, in accordance with the terms of his notice, whether Her Majesty's Government is in possession of any information respecting the present condition of the Tartar inhabitants of those parts of the Crimea which were occupied during the late war by the troops of the Allies; and also when, and at what places, British consuls are to be appointed, pursuant to the Twelfth Article of the Treaty of Paris. The Committee would recollect, that when the Western Powers made good their landing in the Crimea, very much depended upon their obtaining means of land transport, and an immense number of arabas or country carts and bullocks were collected. They were, however, useless without drivers, the Crimean bullocks not understanding either English or French imprecations, and therefore a great number of the native population were pressed into the service against their own will, and those men accompanied the army to the Alma and then to Balaklava, and remained with them through all the subsequent operations, and during all the sufferings of the winter of 1854. At Eupatoria, also, the Tartars, who had no very strong sympathy for the expedition, were pressed into the service, and thus the native population became committed with their own Government. Under these circumstances the Committee would agree with him, that it became a solemn duty on the part of the Allies to take care, when the invaded country was ceded back again to the Russians, that no harm should happen to those persons on account of the services which they had rendered to the Allies. Now, there were three things which it was necessary to do for the protection of these people, and the first two of these things had been done by the Allies. The first was, that they had succeeded in holding the country until the conclusion of peace, and in the second place they had obtained in the treaty a guarantee that no harm should befall them. The third thing which was now left to do was, to see to the execution of that treaty; and the best way to effect that was, by instituting consular establishments in the neighbourhood of Sebastopol or Eupatoria. A rumour had reached this country that a large portion of the Tartar population of the Crimea had emigrated into the territories of the Porte. It might be that that emigration was a voluntary one, and he trusted that it was so, but it might also have arisen from another cause. One of the most important advantages gained by the treaty with Russia was considered to be the stipulation with regard to the appointment of consuls. Before the war, Russia declined to receive consuls at Sebastopol and on the western coast of the Crimea; but the preliminaries of peace provided that the Black Sea should be opened, and that every facility should be afforded for commercial intercourse, and the treaty of peace declared in terms that Russia should be bound to receive consuls in all the ports of the Black Sea. He found, however, from the Estimates, that the ports at which provision was to be made for consulates were the same places where consuls were stationed previously to the war. He wished, therefore, to take this opportunity of asking, whether it was intended that consuls should be appointed at Eupatoria and Sebastopol, in pursuance of the Twelfth Article of the treaty? He did not put the question in any spirit of distrust, but with a confident belief that the answer of the noble Lord would redound to the honour of this country, as the firm protector of all our Allies, however humble they might be.

VISCOUNT PALMERSTON said, his hon. Friend had given a very correct statement of the transactions which occurred during the war, and of the stipulations inserted in the treaty of peace, with respect to the appointment of consuls. In answer to his question, therefore, he begged to inform the hon. Gentleman that his noble Friend at the head of the Foreign Department (Lord Clarendon) was at present occupied in making arrangements for the appointment of consuls in those places in the Black Sea in which it was considered desirable that, under the stipulations of the treaty, such officers should be stationed. The rumour which his hon. Friend had heard was also perfectly correct, as to the fact, though the transaction took place at a somewhat different time. When the Allies quitted the Crimea, a great number of Tartar families who had been more or less engaged in their service did not feel satisfied with the security promised them after the retirement of the allied troops. Tartar families, numbering 10,000 persons, applied to the Allies to be removed to the Turkish territory, and they were accordingly transported by the Turkish Government to Turkish territory, and were settled in the northern part of Bulgaria. The Turkish Government had acted with great liberality towards these Tartars, had settled them upon lands, and had supplied them with the means of subsistence until they were enabled to support themselves by their own industry. He had not heard from our ambassador at Constantinople, any complaint on the part of the Tartars, that the engagements entered into with them had not been strictly fulfilled, and he had therefore reason to suppose that they were contented with their lot.

MR. WHITESIDE said, he wished to call the attention of the Committee to the Estimate for Hong Kong, and to ask for some explanation of the particulars of the Vote. He could not, of course, object to the salary of £4,000, which was received by Sir John Bowring as chief superintendent of trade; nor would it be possible for a gentleman of his high station to transact the important duties of his office without a secretary and registrar at a salary of £700; neither would it be right to deprive the registrar, whose duty it was to register the licences of lorchas and vessels of that class, of the aid of a "first assistant and keeper of records." He (Mr. Whiteside) was, however, surprised to find that this first assistant and keeper of records required a second assistant, that he required a third assistant, and that he again was helped by a fourth assistant, each receiving considerable salaries out of the public funds. In asking now the hon. Secretary opposite for some information as to what those individuals were doing, he did not expect to receive a very satisfactory reply, but rather an official answer. He (Mr. Whiteside) was free to admit that he should be glad to be paid for doing nothing, and why should he object to others being treated in the same manner? Then there was a Chinese secretary receiving £1,000 a year, who, he dared say, was a most important and dignified official; but, as it was impossible for any man in that part of the world to do his duty without assistance, he had an assistant secretary at £600 a year, which, no doubt, was a moderate salary for the services he performed; and there was, besides, a corps of no less than thirteen supernumerary interpreters, who received £200 a year each. Considering, however, that our diplomatic relations with China were at an end, it might not be unreasonable to ask, what they wanted with thirteen supernumerary interpreters. This, however, was not all, for these interpreters were assisted by "four Chinese writers or linguists," who received among them £187 10*s*. He supposed that these linguists were employed to teach the interpreters the language which they themselves, though interpreters, knew nothing about. The total expenditure for Hong Kong was £10,424, and he hoped the Committee would require some official explanation as to the application of this amount. If that explanation was not satisfactory, he would propose to reduce the Chinese writers or linguists from four to two, the thirteen supernumerary interpreters to six and a half, and to get rid of the third and fourth assistants, leaving the first and second assistants to amuse and assist the secretary and registrar. The arrangements at Canton were on an equally liberal scale. Then the consul—Mr. Parkes, he believed, the gentleman with whom they had lately become historically acquainted for the good service he had done this country—received £1,800 a year. Of course, he required a vice-consul, who received £750 a year; and there was besides a vice-consul at Whampoa, who received the same amount. These gentlemen could not speak Chinese, and therefore they required the assistance of an interpreter, who was paid £700 a year, and he had a first assistant, who again required a second assistant, and, as if they could not get on without further aid, they had three Chinese writers or linguists. The whole cost of the consulate at Canton was £4879 a year, and he hoped some explanation of the expenditure would be afforded to the Committee.

Mr. WILSON said, he would first observe that the word "assistant" was in the East synonymous with the term "clerk." In most merchants' offices in London there were first clerks, second clerks, third clerks, and so on; and the consular officers mentioned in the Estimate, although called "assistants" were really clerks. The hon. and learned Gentleman, in referring to the "first assistant and keeper of records," seemed to assume that the other assistants aided in keeping the records. The fact was, however, that the first clerk alone kept the records, and the other assistants or clerks had nothing whatever to do with them, but were engaged in the general business of the consulate. With regard to the interpreters, about four years ago Lord Clarendon considered it most important, that Englishmen who held important offices in the principal ports of China should be thoroughly acquainted with the Chinese language. The consequence was, that a number of young Englishmen were sent out at the low salaries of £200 a year, to learn the language, with a view of qualifying themselves for appointments, and the large number of supernumerary interpreters was thus accounted for. The Committee were aware that our trade with China had recently increased most rapidly, and he hoped they would not think that the sum included in this Estimate was a large amount to spend, not upon one port alone, but upon five or six ports. The amounts were:—for Hong Kong, £10,424; for Canton, £4879; for Amoy, £3,320; for Foochowfoo, £2,820; for Ningpo, £1,650; and for Shanghai, £4,082.

Mr. WHITESIDE said, that he knew the hon. Secretary would be in a difficulty in giving the required information. He had listened very attentively to his brief explanation, but he was just as wise as he was before. The hon. Gentleman had complained of the manner in which he had read this Estimate. He had read it as he found it. Seeing in it "first assistant keeper of the records" and then "second assistant," he concluded that he was a second assistant in keeping the records. The hon. Gentleman now said that the latter was a clerk, and when asked what he and the third and fourth assistants did he answered in a very satisfactory manner, "the general business of the office." What was the general business of the department? There was a superintendent capable of doing the business, and very effectually he had done it. The thirteen supernumerary interpreters he supposed were men intimate with the Chinese language, and able to explain now to Sir J. Bowring what it was the Chinese at Canton meant to say to him, of which he had himself not the least idea. Now, however, the Secretary of the Treasury had informed the Committee, with his usual lucidity, that they were not interpreters, but young men who were learning the language, and that at some time, perhaps when Canton had been blown to atoms, they would be able to speak to the Emperor if they should ever arrive at His Majesty's presence. If the Estimate had stated that this was a sum of money for instructing young Englishmen to speak Chinese it would have been intelligible, but as the matter stood this was one of the most extraordinary explanations that he had ever heard. He thought that his original proposition to reduce the number of these young men from thirteen to six and a half was a good one. The hon. Gentleman had said nothing about the four Chinese writers or linguists. He said that our trade with China was very lucrative, but he might reflect that that trade would very soon be reduced to nothing, and therefore that argument would no longer avail. The best man of business on the Treasury Bench having given an explanation of this matter which left the Committee as much in the dark as it was before, he should move to reduce the Vote by a sum of £2,533—a reduction which he proposed to effect by doing away with one-half of the supernumerary interpreters, and abolishing the offices of the assistant Chinese secretary, the third and fourth assistants and two of the Chinese linguists. After this reduction the amount of the Vote would be £125,089—a very ample margin for doing nothing in Canton, and therefore he thought that the reduction which he now proposed was a very safe and proper one.

Motion made, and Question proposed, "That a sum, not exceeding £122,556, be granted to Her Majesty, to complete the sum necessary to defray the Expense of the Consular Establishments Abroad, to the 31st day of March 1858."

Mr. WISE trusted that the House would not agree to this Amendment. He had recently conversed with a gentleman who had resided in China upon the subject of the Chinese Department, and he was assured by him that the allowances proposed to be made by this Vote were most reasonable and proper ones.

Viscount PALMERSTON: The hon. and learned Gentleman opposite does not, I think, present himself to the House as a guide in this matter under very clear colours. He professes himself to be entirely in the dark, and to know nothing of the matter upon which he proposes that we should come to a vote. I fully believe that statement of the hon. and learned Gentleman, because the manner in which he has treated the subject fully bears out the description which he has given of himself. I think that in general when hon. Gentlemen undertake to discuss Estimates it would be convenient to the House and advantageous to themselves that they should make themselves a little acquainted with the matter with which they are dealing. The hon. and learned Gentleman has been very pleasant upon the notion that nothing is done by any of these officers at Hong Kong, that the whole of our trade with China is confined to the port of Canton, and that, as the communication with that port is cut off, there is no longer any trade, there is no business to be done, and all these gentlemen are sitting with their hands before them and doing nothing but receive their salaries. That is a very pretty flourish of imagination. There is no man who is more capable than is the hon. Member of painting a picture which has no foundation in reality, and amusing the House with little flourishes of genius, eloquence, and the inventive faculty, and if we were assembled simply for amusement, and to witness exercitations of intellect, I am sure that we should at all times be happy to hear the hon. and learned Gentleman at even greater length than that at which he sometimes favours us with his views upon public affairs. On the present occasion, however, he has not, in making a great many observations which are not founded in fact, paid sufficient regard to the lateness of the hour (twenty minutes after Twelve o'clock). He might have known that the duties of Sir John Bowring, the Superintendent of Trade, and of the clerks and officers under him are not confined to Canton, but that he receives reports from and communicates with all the other ports. The correspondence is of considerable extent, and involves a great deal of labour. The hon. and learned Gentleman is, I dare say, a very good linguist, but I doubt whether he has among his various attainments acquired any knowledge, even a rudimental one, of the Chinese language; although perhaps some of the things which he says here are as unintelligible to the House as if they were spoken in Chinese. If he were acquainted with even the rudiments of that language he would know that it is very difficult to acquire, and that even the life of a professional gentleman would not be long enough to enable him to master it sufficiently for even the most ordinary purposes of communication. Unless the tongue can express sounds which are intelligible to the hearers—the hon. and learned Gentleman is perhaps not always aware of that difficulty—it is impossible to make oneself intelligible—perhaps I am not making myself intelligible. But unless that be done communications are useless. For the purposes of trade it is very necessary that those who communicate together should fully understand each other. For that purpose it is essential that our staff should understand the Chinese language, and, as the attainment of a knowledge of that language is a work of great difficulty, the hon. and learned Gentleman must not be surprised if a large number of young men are sent out to learn it, and if it is a long time before they become sufficiently masters of it to be useful in communication. It is not desirable to rely upon natives, because you cannot place so much confidence in them as you can in British interpreters. My noble Friend at the head of the Foreign Office has sent out these young men to gain a knowledge of the Chinese language, and I venture to say that no money is better employed than that which is spent upon their education. The hon. Gentleman who has just addressed the House has stated from his own knowledge that those who are conversant with these matters are of opinion that this establishment is by no means more extensive than the public service requires. The climate is one which very severely affects British constitutions. While I was at the Foreign-office many very valuable men either came home on account of ill-health or fell victims on the spot to the severity of the climate. Therefore I can assure the House that whatever the hon. and learned Gentleman may think of the extent of this establishment it is by no means greater than is required to meet the wants of the public service—wants which come out of an increasing trade of the utmost value to this country, and which cannot be extended unless there are proper public servants on the spot. I am quite sure that no one who knows anything of China will be of opinion that this is too large an establishment, or that the amount of the salaries and expenses at all exceeds what is required by the necessities of the case.

Mr. HENLEY said, the noble Lord at the head of the Government would admit that if it was necessary in verbal communications between the natives of two different countries that they should be able to make themselves mutually intelligible, it was quite as important that written or printed documents should be readily understood. In this case the Goverment had put before the Committee a document framed in such a manner that they themselves did not appear to understand it, nor could any one else, and that was exactly what his hon. and learned Friend (Mr. Whiteside) had complained of. It was the ambiguity with which the estimate in reference to the Vote under consideration was drawn up that had given rise to the discussion which had taken place; and if the Government in framing it had called assistants, clerks, and the thirteen supernumerary interpreters, young gentlemen who were learning the Chinese language, the paper would have been understood by everybody. He (Mr. Henley) observed £4,000 or £5,000 put down for the Chinese mission. He took it the members of that mission could not be at Canton now, and he wished to know what was to be done with them in the event of the continuance of hostilities?

Mr. WILSON reminded the right hon. Gentleman that this was an Estimate for next year, and that it was necessary for the Committee to provide the salaries for the next year. Mr. Parkes and his staff would, of course, be called into requisition to assist Lord Elgin on his arrival in China; and, besides, it was not desirable to drop public servants in that remote part of the world in an abrupt manner, and without providing for the payment of their annual salaries.

Mr. WHITESIDE: The noble Lord is of opinion that it is not quite becoming in a Member of Parliament to ask for an explanation of an unintelligible Vote under the consideration of the House. The noble Lord may possibly understand all the details of this Vote as perfectly as he affects to do. Of course the noble Lord understands everything, or, at all events, he talks as if he did, which with some is much the same thing, and a very valuable quality in a Prime Minister. But the Committee cannot have failed to notice that the noble Lord never touched a single item of the Estimates under consideration, and that is an adroit and often a most successful mode of dealing with a subject—to attack your adversary, ask what business he has to intermeddle with a question on which he desires an explanation, and then assume that everybody else understands the whole matter except himself. By "interpreters," then, on this occasion, it appears I am to understand thirteen young Englishmen who are learning the Chinese tongue. The noble Lord is pleased with that explanation, and has been happy in turning on me the whole force of his wit. Sir, nobody speaks with half the effect of a Prime Minister. There are always plenty to laugh with him. But if the noble Lord, who has been accustomed during the greater part of his public life to speak from the Treasury bench, had sat to-night on this side of the House, and had—as I have ventured to do—asked for an explanation of an unintelligible Vote, he would have turned the whole subject into the happiest ridicule, and made a far better speech than he has done in reply to my humble observations. It comes to this, that Lord Clarendon, the Secretary of State for Foreign Affairs, has told the noble Lord that it is necessary to make all these appointments, and to send out the young friends of official men to fill these places. This fact remains, that whereas the House voted £33,000 for this purpose last year, they are now asked to vote

£39,000 this year. The noble Lord has given what he thinks an explanation of the matter, which may perhaps be satisfactory to some hon. Gentlemen who sit on the same side of the House with him; but I am sure the reason of the thing is with me, and I have only to say that I shall not press the Motion which I ventured to make to the Committee, and I shall be sincerely glad if the House do not have to divide on any more serious matter connected with the state of our relations with the Chinese nation.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

Mr. W. WILLIAMS said, he begged to move that the Chairman report progress, on the ground that the next Vote contained several objectionable items which could not be satisfactorily discussed at that hour of the night (a quarter to One o'clock).

Motion made and Question proposed, "That the Chairman do report progress, and ask leave to sit again."

Mr. WILSON observed, that he hoped they would proceed with the next Vote.

Mr. BLACK remarked, that he hoped the hon. Member for Lambeth would divide in favour of reporting progress. He had to complain that the Reformatory Institutions Bill was kept on the Orders of the Day, when it was not intended to proceed with it on the evenings for which it stood. He really thought such a course extremely discourteous on the part of the right hon. Gentleman the Secretary for the Home Department.

Sir GEORGE GREY explained that if the hon. Gentleman had done what several other hon. Gentlemen had done, and asked him at what hour he intended to bring on the Reformatory Institutions Bill, he would have learned that it was not his intention to do so at anything like a late hour. At the same time he must add that the hon. Gentleman ought to remember that it was exceedingly difficult to avoid placing orders on the paper when there was a chance of bringing them on.

Mr. CROSSLEY said, this was just one of the many occasions which made him the more keenly regret the absence of the late Mr. Brotherton, who was accustomed to interfere to prevent the House continuing its discussions after Twelve o'clock at night. It was now nearly One o'clock, and he would therefore support the Motion that the Chairman report progress. He contended, also, that it would be for the public interest, as well as the individual welfare of every hon. Member of the House, that in future all business which was likely to give rise to discussion, and which was undisposed of after midnight, should stand over.

Mr. W. WILLIAMS repeated that there were many objectionable items in the next Vote, which it would be unreasonable to ask the Committee to discuss at that time of night.

Viscount PALMERSTON said, it would take as much time to divide as to discuss the Vote, which was the only remaining one on the paper. He hoped, therefore, that the Amendment would be withdrawn.

Motion, by leave, *withdrawn.*

(16.) £22,500, Extraordinary Expenses, Ministers at Foreign Courts.

Mr. W. WILLIAMS said, he wished to draw attention to the great expense of the embassy at Constantinople; they had already voted £1,500 for six paid *attachés*, but in this Vote was an item of £1,120 for interpreters, *attachés*, and clerks; he would also wish for some explanation of the item £1,605 for extra couriers.

Mr. WISE called attention to the increase of late years in these charges. In 1851 the Vote was £16,000; in 1853, £18,500; in 1855, £25,000, and now, £37,500. There was a charge of £180,000 a year on the Consolidated Fund for foreign missions, and this sum was for miscellaneous expenses.

Mr. WILSON said, the printed details applied to the expenditure last year. The circumstance of the war being just concluded caused the expenses with respect to Turkey to be heavy. Extraordinary expenses were caused by the coronation at Moscow and the ordinary expenses of the Russian mission, recommenced in consequence of the war being terminated.

Mr. BLACKBURN asked for explanation of an item of £1,284 loss on exchanges. For the Two Sicilies it was £449. He imagined draughts on England would be at a premium abroad. He could find no credit for any gains on exchanges.

Mr. WILSON said, that this allowance was only made for loss of exchange on the disbursements made by the Ambassadors for the public service and not on their salaries. For many years it had been the practice not to give credit for gains on exchange, but within the last eighteen months an arrangement had been made with the Foreign Office, by which loss would be charged against and gain paid to the Treasury.

Mr. WISE said, that there was a loss of 10 per cent on exchange with the Two Sicilies. If that were allowed to the wealthy Ambassador, why was not the same privilege granted to the less well-paid Consul?

Mr. WILSON said, that in consequence of the exceptional state of things, an allowance had been made to the Consul in that particular instance.

Mr. HENLEY understood the loss on exchange applied only to extraordinary expenses. What was the nature of those expenses?

Mr. WILSON said, they appeared in the details of this Vote.

Mr. HENLEY wished to have some explanation of one item. The extraordinary expenses of the Two Sicilies were £1,060, and the loss on exchange was £449. As the extraordinary expenses included the loss on exchange, the £449 must be charged with respect to expenses of £600.

Mr. WILSON was unable to explain that, but would inquire.

Vote *agreed to*.

House resumed.

Resolutions to be reported on Monday next.

Committee to sit again on *Monday* next.

House adjourned at half-after One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, July 6, 1857.

MINUTES.] PUBLIC BILLS.—3ª Dulwich College; Militia (Ireland) Act (1854) Amendment; Oxford University.

THE SCHOONER "MARIA"—QUESTION.

THE EARL OF MALMESBURY wished to put a question to the Secretary of State for Foreign Affairs relative to a case of some hardship. It was the case of a Captain Ouseley, commander and part owner of the schooner *Maria*, which had been seized by the Venezuelan Government. It appeared that a boat had been detached from the schooner in order to procure provisions at Caraccas. On board the boat there were some few yards of cloth which the crew intended merely to barter for the provisions of which they stood in need. They were, however, accused of smuggling, and the boat was consequently seized. The captain was brought before the authorities of the country, and fined 100 dollars for a breach of the Custom House rules of Venezuela. Not satisfied with this, the Government of that country also seized the schooner, which was then engaged in a regular and legitimate trade—that of carrying cattle to Demerara. The seizure occurred on the 7th of March, 1856. Since then a correspondence had taken place between his noble Friend (the Earl of Clarendon) and the brother-in-law of Captain Ouseley; and it appeared that no notice whatever had been taken of this transaction by our Chargé d'Affaires at Caraccas, and that no communication on the subject had been sent by that officer to the Foreign Office in answer to inquiries that had been addressed to him regarding it. In the meantime, Captain Ouseley had presented a bill against the authorities of Venezuela for damages to the amount of something like £3,000. He wished his noble Friend to explain, if he could, how such a proceeding as this, affecting a vessel that was British built, British manned, and British owned, should have taken place without any interference on the part of our Chargé d'Affaires on the spot, or without the knowlege of the Foreign Office being drawn to it.

THE EARL OF CLARENDON was sorry that he could not afford his noble Friend the explanation he desired. It was perfectly true that neither before nor since the information relative to this case had been given to the Foreign Office by the parties interested had he received any Report on the subject from our Chargé d'Affaires at Caraccas. As soon as the circumstances came to his knowledge he put himself in communication with the Commissioner of Venezuela, who was then about to return to that country, and requested him to be good enough to lay the matter under the notice of the Venezuelan Government. Since then, however, he had not heard anything of that gentleman's proceedings. Although he had not yet succeeded in obtaining any information respecting this transaction, he trusted that before much longer he should receive some explanation on the subject.

CONVEYANCE OF TROOPS TO INDIA.

QUESTION.

THE EARL OF **CARDIGAN** wished to ask the noble Lord the Secretary for War whether it was true that the reinforcements of European infantry and cavalry about to be despatched to India for the purpose of suppressing the serious insurrection which had broken out in that country were to be sent out in sailing vessels instead of in steamers? After what had happened during the war in the Crimea, the Government would be profiting little by past experience if, when they had so many war and merchant steamers at their command, they sent out these troops, whose speedy presence was required to meet a critical emergency, by sailing vessels.

LORD **PANMURE** said, he could assure the noble Earl that the most attentive consideration of the Government had been given to this question of the best means of sending reinforcements to India with the greatest expedition possible. The difficulty in the use of steam vessels was the delay necessarily caused by coaling. This operation made it necessary for steamers to call at several ports; whereas sailing vessels were able to shorten the course by keeping further from shore. The result was, that the sailing vessels arrived at their destination as soon, if not sooner, than steam vessels. It was on a conviction that this would prove the case in the present instance which had induced the Government, after an attentive consideration of the matter, to give the preference to sailing vessels.

THE EARL OF **ELLENBOROUGH** said, that he could not speak on that matter from very recent experience; no doubt steam navigation had since then greatly improved; but when he was in India no steamer made so good a passage as a sailing vessel, and this arose in consequence of the coaling difficulty referred to by his noble Friend (Lord Panmure). He should add, that this was the most favourable season at which a sailing vessel could start with troops for India.

ALLEGED REVIVAL OF THE SLAVE TRADE—EXPLANATION.

LORD **BROUGHAM** said, he found he had exaggerated the number of what were called free negroes about to be conveyed to the French colonies from the coast of Africa. He understood that the number was not 20,000, as he had stated, but 10,000. He was sure that no scheme for the revival of the slave trade would obtain the assent of the Emperor of the French. His noble Friend (the Earl of Clarendon) had also been charged with conniving at this virtual re-opening of the slave trade; but he (Lord Brougham) felt confident that no one would regard such a scheme with more suspicion than his noble Friend (the Earl of Clarendon). It must be admitted that there was the greatest difference between carrying off free negroes, or whatever they might be called, to a slave colony, and carrying them to colonies in which slavery was abolished. Yet, as regarded the Africans, even although they might be carried to colonies in which slavery was abolished, yet any scheme of this kind ought to be viewed with distrust, and to be most carefully and scrupulously watched.

THE EARL OF **SHAFTESBURY** said, that some misunderstanding existed with regard to a deputation that recently waited upon the First Lord of the Treasury on this subject. The main object of that deputation was to represent to the Prime Minister some facts connected with the increase of the slave trade and the necessity of repressing it, not so much on the coast of Africa as by means of additional gunboats and steamers on the shores of Cuba. The want of free labour in some of the colonies was certainly a matter of discussion among that deputation, and one gentleman gave an opinion on that subject. But as far as he (the Earl of Shaftesbury) was concerned—and he believed he might say the same for the other members of the deputation—their opinion was, that to endeavour to set on foot a scheme for carrying free negroes from the coast of Africa would be to all intents and purposes a revival of the slave trade, the most accursed crime that ever was perpetrated.

THE EARL OF **MALMESBURY** said, he should be sorry if their Lordships should run away with the idea that if some plan were adopted, or could be discovered, for getting free labourers from Africa, that that was necessarily a renewal of the slave trade. If that were clearly shown, there was an end of the matter. But on the score both of policy and humanity the question was worthy the consideration of those who wished to take a broad and statesmanlike view of the subject. On the other side of the Atlantic there were millions of acres that could not be cultivated by white men, and if they were not cultivated by blacks they must remain sterile; while millions of negroes willing to labour were confined to the coasts of Africa. On the other hand, looking at it in a philanthropic point of view, there might be a danger of renewing the slave trade. He trusted, however, that their Lordships and the Government would not take it for granted that any efforts or experiments in the direction which the French Government were now taking must inevitably result in the revival of the horrors of the slave trade.

THE EARL OF CLARENDON said, he had made inquiry into the matter in consequence of the speech delivered by his noble and learned Friend the other evening, and he found that the condition of the assent of the French Government to the contract was that it should be an engagement of free labourers, and that the negroes should be sent to those colonies where labour was wanted. It was intended to take all possible securities against abuses; but he agreed with his noble and learned Friend, that no plan of this sort, however carefully it might be devised, could be safely carried out without a liability to the revival of the slave trade.

INDIAN ADMINISTRATION—THE CIVIL SERVICE.

RETURNS MOVED FOR.

THE MARQUESS OF CLANRICARDE, in rising to move for Returns relative to the Civil Service in India, said, that as he believed there was no objection to their production, and as there must before long be a general inquiry into the administration of the Indian Government, he would not detain their Lordships at any length. When the present disturbances were put down—and he had no doubt they would be quelled at much less cost and with much less difficulty than some persons supposed, Parliament must inquire into the causes of the state of things which recent events had proved to exist in the Indian army. To suppose that this was a mere question of greased cartridges was absurd. The Returns which he desired would be of great service in the prosecution of these investigations, and would show what was the amount of administrative force at the disposal of the Indian Government. At present he spoke upon imperfect information, but it appeared to him that they were expecting the present Governor General to administer the affairs of India with the same number of civil servants that were at the disposal of the Indian Government in 1846, when our territory was much smaller in extent. To show their Lordships that he had not adopted that opinion without due authority, he should quote a passage from the Minute of Lord Dalhousie, which had been laid upon the table of their Lordships' House in the course of the last year. He learned from the 12th paragraph of that Minute that "in eight years four Indian kingdoms had passed under the sceptre of Her Majesty, and that various chieftainships and smaller districts had been brought under her sway." Among the smaller acquisitions the Governor General enumerated Khyrpore, Ungool, Sikkim, some Nepaulese sirdars, Mundote, the Nawab Nazim of Bengal, and the States of Central India. Then there were, besides these, the Punjab, Rangoon, Nagpore, Sattara, Hyderabad, and Oude; the population thus brought under the dominion of this country amounting to nearly 11,000,000 of souls, while the extent of territory thus acquired amounted to 207,637 square miles. It also appeared, from a Return which had been laid upon the table of their Lordships' House that the amount of revenue derived from those recent additions to our territory in India was £4,330,000 per annum. That in Europe would be a large and important country by itself. Notwithstanding that large increase, however, in the extent of our territory, he could not ascertain that any corresponding addition had been made to our civil service in India. The number of the covenanted civil servants in that country were, he found, in 1846, 431, while in 1856 it was not more than 432. It was quite clear, therefore, that we were imposing upon the Governor General of India the task of ruling an empire of considerably-enlarged proportions with precisely the same staff as had been appointed in 1846 to administer the affairs of a much smaller territory. How long, he would ask, were we to continue that policy? Was our Indian Government to be the only Government in the world which was not to possess that elastic character by which the number of the public servants was adapted to the requirements of the State? What was the resource which, under those circumstances, was open to the Governor General when a demand for an increase in the number of the civil servants arose? Why, in the case in which an office of high importance was to be filled, he was debarred from going beyond the covenanted service, and from calling to his aid any member of the uncovenanted civil service, however qualified such person might be. What was the consequence? He was obliged to resort to the military department, and to take officers away from the duties of their profession to fill civil employments. Thus, when an increase in the number of civil servants in India became imperative, a diminution of the military force was the invariable result. He had heard it stated, that the number of officers who were under those circumstances taken away from their regiments, amounted to no less than 25 per cent. That such a state of things existed he attributed to the fault of no individual; he deemed it to be the result of the system—and he trusted the Government would, by agreeing to the production of the Returns for which he rose to move, place their Lordships and the country in a position to obtain accurate information upon a subject so important to the efficient administration of the affairs of our Indian empire. The noble Marquess concluded by moving that there be laid before the House a

"Return of the Number of Officers belonging to and employed in the Civil Service of the East India Company, distinguishing those in the Covenanted from those in the Uncovenanted Service, and in receipt of not less than £400 a year Salary, on the 1st of January, 1846, and a similar return for the 1st of January, 1856;

"And, also, Return of the Number of Military Officers employed in Diplomatic, Political, or other Civil Services, on the 1st of January, 1846, and a similar Return for the 1st of January, 1856."

THE EARL OF ALBEMARLE rose, to express a hope that their Lordships would have the assurance of the Government that a full and searching inquiry into the condition of India in all its branches would be instituted. If such an inquiry took place, it would, he thought, be found necessary to make very material changes in the policy which had hitherto been adopted towards that country, and especially in one portion of that policy—he alluded to that by which the annexation of the territories of princes whose dominions bordered upon our own was brought about. In the adoption of that system, indeed, might be found one of the causes which had led to the mutinies which had lately taken place. In support of that reform he might state, that about fifteen months since he had had a long conversation with an intelligent Mahomedan Native of India in reference to the annexation of Oude, and the gentleman in question upon that occasion observed to him, "If you annex Oude, you will find that disaffection will break out among the Native troops, and for this reason—they are all drawn from the agricultural, but not from the peasant class. They are what you would call in this country yeomen, or small landlords. They are of the highest caste, being either Rajpoots or Brahmins, and are of a most inflammable character. They number about 50,000, and will necessarily be deprived of many of their privileges by the annexation of their territory." Such was the opinion of the gentleman to whom he had referred; and he might add, that it had also been pointed out to him that the new land revenue system which the Government had introduced into the North-Western Provinces of India, and which was made to follow the annexation of this new territory, was regarded by the Natives as a great hardship, inasmuch as under its operation every man's property was surveyed, and each of those 50,000 sepoys would thus be compelled to make out his title to the land in his possession. He understood that Her Majesty's Ministers might rely upon the fact that 140 petitions had already emanated from the sepoys of Oude in reference to that subject, and he therefore trusted that the Government would institute the most minute inquiries into the system to which he had adverted. He had only that morning received a newspaper from India, called the *Rising Sun*, dated May 20, which contained a quotation from another journal, complaining of the irritating nature of the survey of the lands in that country.

Motion *agreed to.*

HIGH AND LOW WATER-MARK—RIGHTS OF THE CROWN—PETITIONS.

THE EARL OF DERBY presented Petitions from the Llanelly Railway and Dock Company, under their common seal, and from David Lewis, of Shadey, Carmarthenshire, complaining of the Enforcement of the Rights of the Crown between High and Low Water-Mark. He was very much afraid that he should very imperfectly do justice to the merits of the petitions which he had been requested to present to their Lordships, because those documents involved many serious and complicated questions of law, which he felt his utter incompetency to deal with. At the same time, if the House allowed him, he would draw their Lordships' attention for a few minutes to some matters of detail; and he hoped he should, at all events, be able to satisfy their Lordships that the subject-matter of these petitions was one deserving of their consideration, as involving the general rights of subjects of the Crown. The documents had reference to the rights of the Crown to the land between high and low water-mark, round the whole kingdom, and not only to the nature of those rights themselves, but to the manner in which of late years it had been sought to enforce them. The two petitions were from different parties, and some of the allegations were different, but as they proceeded from the same locality, and were to some extent connected, it would be convenient that he should state their substance at the same time. The first was from Mr. Lewis, a gentleman who had considerable property on the coast of Carmarthenshire, and who was at one time the Member for the county; the other was from the same neighbourhood, from the Llanelly Railway and Dock Company, incorporated by Act of Parliament in 1828. It would first be necessary for him to state to their Lordships a few particulars connected with the locality to which these petitions referred. Mr. Lewis's property is on the side of an inlet from the British Channel, running nearly north and south, on the shores of which there is at low water a large expanse of sand uncovered by water. The land beyond the sand on both sides of the inlet consists of banks of mud, behind which, in some places, was a considerable extent on both sides of land which is occasionally flooded at high spring tides, but generally speaking partook of the character of salt marshes. The petitioner had retained possession of his property, partly consisting of salt marshes, on this inlet, undisturbed and undisputed, until 1845; he had exercised all the rights of ownership over it of which such property is capable, and had sunk a shaft in the salt marshes in order to work the coal which lay beneath, and this had been leased to a copper smelting company. Even so long ago as 1807 and 1812 these marshes had been expressly excluded from the enclosure Acts which applied to the neighbourhood, as the property of Mr. Lewis and his predecessors. It was under these circumstances that in 1845 Mr. Lewis found that an information had been filed against him, which recited that the sea shore so far inland as the tide flowed belonged to Her Majesty, and claimed for the Queen the property up to the highest point reached by the tide, including the shaft which had been sunk. Mr. Lewis lost no time in filing an answer to that information, and he availed himself of the valuable assistance of Mr. Bethell; but it was not until 1851 that the Master of the Rolls pronounced a decree directing that the Crown should proceed against other parties before Mr. Lewis, by a trial at bar. The cause of this was a claim on the part of Lord Cawdor to manorial rights. This claim after some time was compromised between Lord Cawdor and the Crown; who, having got rid of this opponent, proceeded once more against Mr. Lewis. He could not but express his regret that this compromise had taken place between Lord Cawdor and the Crown, for if Lord Cawdor had turned out to be entitled to manorial rights, of course these proceedings could not have been taken against Mr. Lewis. When the case next came on that gentleman laboured under two disadvantages. One was, that Mr. Bethell, who had in the first instance been his counsel, had now become Solicitor General; and his services being now required by the Crown, he argued against him, with the advantage of all the information which he had derived while he was on his side. The next disadvantage was, that in 1847 the South Wales Railway had obtained an Act for the construction of a line along the sea coast, on a line pointed out by the Admiralty, and the embankment of this had much improved the character and the value of the salt marshes. The Lord Chancellor ultimately decided that the landward boundary between the property of the Crown and the subject was the medium line of all the tides occurring in the course of nature throughout the year. This definition, he thought, left matters much where they were before. He was aware that it had been entrusted to a civil engineer of great eminence to lay down that medium line; but Mr. Rendel having unfortunately since died without having determined the boundary; another person had been appointed to perform the duty, the suit was still *lis pendens*, and Mr. Lewis was debarred from the free exercise and control of his own property. Now, it appeared to him that the judgment did not at all satisfactorily conclude the question. Besides, was it in the competency of the Crown to lay down a line which should at all times be the line of demarcation between the Crown and the landed proprietor? That seemed a very doubtful point, and one on which the course pursued was contrary to the authorities, both ancient and modern, on this subject. In *Scratton* v. *Brown*, Mr. Justice Bayley laid it down—

> "That the Crown by a grant of the sea shore could convey not that which at the time of the grant is between the high and low water-marks, but that which from time to time shall be between the two termini. Where the grantee has a freehold in that which the Crown grants, his freehold shifts as the sea recedes or encroaches."

But if the doctrine was to be laid down that the medium line of all the tides of the year was to be the boundary between the Crown and the proprietor, it set aside the doctrine of the possibility of gain to the proprietor by accretion. And if the Crown could dispose of that which lay between him and low-water mark, it was possible for it to interpose another proprietor between him and the sea, and thus do him very serious injury. To return, however, to the case of the petitioner. While the matter was still under adjournment, a notice, dated August, 1856, was served on the tenants of a farm of Mr. Lewis, three or four miles up the inlet, stating that slag and rubbish had been deposited on the foreshore belonging to the Crown, and asking them if they were willing to take a lease of the foreshore. Mr. Lewis said that his tenants were bound to do nothing contrary to his interests; that he himself could not, while the question between him and the Crown was pending, do anything to recognise those rights on its part which he disputed. The Crown replied that in that case they should take what steps they thought fit without regarding his interests. What he now complained of was in the first instance the great delay that had taken place, and the great uncertainty to which he was subjected as to the rights which he had exercised without contest for so long a time. And in the second place he complained that while he denied the right of the Crown altogether, and claimed a right himself by prescription, he was compelled—having no interest in this question—to fight on the part of the public as to how far the right of the Crown, when they had a right to the foreshore, should go, and where the medium line should be drawn. The case of the Llanelly Dock and Railway Company was even, he thought, still stronger than that of Mr. Lewis. That company was authorized by an Act of Parliament which received the sanction of the Crown in 1828, to form a railway and dock. They consequently formed a dock, and had taken and held lands, expended money, executed works, and carried on the railway in conjunction with the docks for thirty years; and it was at the end of that period they received notice from the Woods and Forests stating that they had taken for the construction of their railway land the property of the Crown, between high and low water mark, and they must enter into a composition with the Crown or take a lease of their own works. In reply the Directors expressed their surprise and stated that there was no ground for the claim made. Some time after this another letter was received from the Woods and Forests, which, while abandoning the claim first made, they stated that Mr. Rendel was then engaged in making a fresh map of the shore, and that when that was finished the Company would be again communicated with. Here, then, were the Woods and Forests first setting up one map and then telling the Company that if they did not compromise the matter they would be proceeded against, and at a subsequent period admitting that their map could not be relied upon, but that when another map was completed the claim would be renewed. He ventured to call their Lordships' attention to this case, because it was clear that if a period of sixty years' prescription was required for the security of the subject against the Crown, notwithstanding an Act of Parliament, there was no one dock or harbour which had been made for the last sixty years, under an Act, and which might have had an indefinite amount of money expended upon it, which might not be liable to be taken by the Crown. This claim, which was, he believed, entirely of a novel character, and utterly unknown to the law of England, affected not one individual, but the whole country, and proprietors of land all round the country. No one disputed that, within certain limits, the Crown had the dominion between high and low water mark—what he did not believe was, that the Crown had such a right as it could lease, sell, or make the means of profitable transactions by way of lease, or by forcing compositions. He believed that the right in the Crown was one to be exercised for the public interests, for the protection of public property, and to prevent the sea coast—the great highway of the country—being monopolized by individual proprietors, or the public being debarred from the use of it. A great authority who wrote in the time of Queen Elizabeth (Callis), said—"Rex habet proprietatem, sed populus habet usum ibidem necessarium." Mr. Justice Bayley laid down that—

> "*Primâ facie* the Lord of the Manor is entitled up to high water-mark; but between high and low water-mark, the ordinary high and low water-mark, the right is *primâ facie* in the Crown. The right of the Crown is not in general for any beneficial interest to the Crown itself, but for securing to the public certain privileges in the spot between high and low water-mark; and if any nuisance is committed on that spot, then the Crown has the power of proceeding to rectify such nuisance."

Woolrych commenting on this, said:—

> "If the King were to make the seashores of the realm a source of private sale and profit, he would, according to what is said before by the Judges, be acting contrary to the trusts for which the ownership of the shore was vested in the Crown by the common law."

And yet the Crown is now applying this right in dozens and hundreds of cases, not for the benefit but to the injury of the public, and to the aggrandisement of the Crown property by compelling the adjacent proprietors to pay a sum by way of compromise, or to accept a lease under the Crown, paying a sum for it. This seemed making such a use of the Crown property as, by the authority he had just quoted, was contrary to the common law. There were two cases to which he wished to call their Lordships' attention, as illustrating the restrictions which the law imposed upon the exercise of this power by the Crown. In the *Attorney General* v. *Burridge*, it was laid down "that the Crown could grant by letters patent all the land between high and low water-mark, but subject to the public right of passage, and that the restriction of such right was a nuisance, and a matter of fact to be inquired into." In the second case buildings had been erected by the corporation of Portsmouth, between high and low water-mark, which were ordered to be abated by a decree, inasmuch as they intercepted the flux and reflux of the tide, and it was held to be no defence that the buildings were placed there by grant of the Crown by charter to the corporation. No general order could be allowed to prevail against the public rights. Therefore, according to the law, the Crown was entitled to certain rights on this portion of the soil, but only for useful public purposes, and for the prevention of encroachments; but, beyond that, the Crown had no rights. There were involved in these petitions two important points—first, as to the nature and extent of the rights of the Crown, whether they were absolute possessory rights, or mere fiduciary rights, to be exercised in trust for the benefit and protection of the public; and next, the manner in which the rights of the Crown had in fact been exercised. He could not see, even setting aside prescription and all rights founded on enjoyment for periods of a shorter duration than sixty years, how it could be contended that those rights could be valid against the provisions and powers of an Act of Parliament, sanctioned by the Crown itself. If this principle were admitted no dock or harbour in the kingdom would be safe. It followed almost as a matter of course that almost every wet dock must be made on that part of the Crown lands between high and low water-mark. It is the natural place for a dock; and therefore, every dock constructed within the last sixty years, even under Act of Parliament, would be liable to be seized if it infringed on the alleged rights of the Crown between high and low water-mark. He thought this could not be sanctioned by Parliament. It was plain that the mode in which individuals were called on one after another to uphold a public principle was most vexatious. Every individual who now submitted to aggression, or compromised the claim, or took a lease, strengthened the case against his neighbour, and the Crown might thus gradually acquire against the subject powers that it was never intended it should possess. The second case not only set aside the rights of the subject—it went the further length, that for sixty years the provisions of an Act of Parliament should be no security. He thought these were subjects well worthy the attention the House and of the Government. The petitioners prayed the appointment of a Select Committee to inquire into the rights of the Crown, and the manner in which they had been exercised. He did not intend to press that upon their Lordships at present, but he did hope that the Government would take some steps to quiet the apprehensions that prevailed from one end of the kingdom to the other with respect to the new and unheard-of claims of the Crown; and that they would set at rest matters which appeared to be involved in some doubt. It should be declared distinctly by Act of Parliament what was between the Crown and the subject; what were the rights of the Crown to land between high and low water-mark; and what was the extent to which those rights should go.

LORD STANLEY OF ALDERLEY said, that many years ago, the attention of the Government was called to the encroachments taking place on the coast of Carmarthenshire, on that portion of the soil comprised between high and low water-mark. The opinion of the law officers of the Crown was taken on the point in 1839. In 1845 an information was filed against the petitioner and others, to assert the right of the Crown, and so matters continued for some time, until the verdict was found for the Crown against Lord Cawdor. Some of the persons against whom informations had been filed took leases from the Crown for the land they had occupied between high and low water-mark. And in 1855 the question between the Crown and Mr. Lewis was referred to Mr. Rendel, to decide as to what should be the high and the low water-mark on the property of that gentleman, according to the principle of the decision of the Lord Chancellor, Mr. Justice Maule, and Mr. Baron Alderson, that that line should be the medium of the tides of the whole year. The carrying out of this arrangement had been interrupted by the death of Mr. Rendel; but, in May last, Mr. Bidder—who had been named by Mr. Lewis as the person he wished to have as arbitrator—was named as his successor. The present position of the matter was this:—that Mr. Lewis did not deny the right of the Crown; on the contrary, he acquiesced in it, because the verdict in the case of Lord Cawdor, which involved the same question, was not appealed against. He had accepted an arbitration, not to decide on the rights of the Crown, but within what limits the Crown should exercise those rights.

THE EARL OF DERBY: That agreement was without prejudice to the right by prescription.

LORD STANLEY OF ALDERLEY said, the verdict to which he had referred was not subject to any exception, and had not been appealed against. Although a railway might be carried over a portion of the shore, the rights of the Crown remained the same as they were before. Therefore, as far as Mr. Lewis was concerned, there could be no ground whatever of complaint. The Government had never treated the party with harshness in seeking to enforce the claims of the Crown. As to the Llanelly Docks, although twenty years might have passed by, the rights of the Crown were not thereby given up. Surely it was the duty of the parties constructing the docks to ascertain, before doing so, that the title to the ground was a good one. He thought that the noble Earl opposite would be the last person to allow the opposite doctrine to prevail. The noble Earl said that there was no beneficial interest in the Crown. Now, how would the noble Earl like to have such an argument turned against his own claims to a portion of the shore near Liverpool. The right of the noble Earl to the foreshore was a grant from the Crown, and, of course, the Crown could give to the noble Earl, or to his ancestors, no rights that it did not itself possess. If, then, the Crown had no beneficial interest in the foreshore, the noble Earl could have no beneficial interest in the foreshore of Liverpool. If the claim of the Crown be unjust, and if it ought to be upset, he hoped that the noble Earl would be prepared to return the very considerable sum he had received from the Birkenhead Dock Company. The legal question he would leave to those who were more qualified than himself to speak upon it; but, after what he had said, he trusted that their Lordships did not suppose that those claims of the Crown were unfounded, or that the Government had used any harshness in enforcing them. The Government would have abandoned their duty if they did not enforce them.

LORD WYNFORD said, that it might be recollected that, last Session, he warned certain Scotch proprietors not to attempt to improve the docks and ports of Scotland before they had satisfied themselves that no demand of this kind could be made on them by the Crown. He had then in his eye, not only the subject matter of these petitions, but a number of other cases in which the department of Woods and Forests had cruelly pressed on proprietors, and there were numbers of instances in which the proprietors of land on the sea-shore, and on the banks of navigable rivers, were not able to deal with their property in consequence of the vexatious course taken by the Woods and Forests. He would not go further into the matter, but would merely say that he was surprised to hear the noble Lord say that a verdict had been given for the Crown in one case, when, in point of fact, the case was settled by a compromise. He was also surprised to hear that Mr. Lewis had submitted his claim to arbitration since Mr. Rendel's death; for it was stated in the petition presented that day, that no other arbitrator had been appointed. The property in question, to his knowledge, lay far above high-water mark.

The LORD CHANCELLOR said, that the doctrine laid down that evening was rather startling; for the noble Earl, setting out on the assumption that the Crown had the right to the disputed shore, said that the question was whether it had been properly asserted; and he gave, as one reason why the right should not be asserted, that the Crown held the shore, not for its own benefit, but for the use of the public. It seemed strange to say that the Crown, which held the land for the use of the public, should not assert its right: for the more strenuously it asserted it, the more it would seek to preserve the land for the use of the public. If the Crown allowed property of this kind to be encroached on year after year, and did not claim it for the use of the public, the Crown deserted its duty, and, in fact, gave up what belonged to the public to the neighbouring proprietors. The noble Earl said that the assertion of these rights was inconsistent with the making of docks, and of those in this case especially; but, if the dock company had a title which was good against the Crown, why was it not set up in answer to the information? When he (the Lord Chancellor) was one of the law officers of the Crown, he, in conjunction with his noble Friend the Lord Chief Justice (then Attorney General), was consulted with regard to the rights of the Crown with respect to this question, and they gave what, of course, they considered a sound and correct opinion, which, however, was not acted on until the Government of Sir Robert Peel, when Sir Wm. Follett gave directions to have informations filed. What the cause of the delay was he did not know, but the trial did not come on for several years afterwards; but at length it was decided that the Crown had the right to the *littus maris*. The matter came before him (the Lord Chancellor) by way of appeal, to decide what the *littus maris* was. The civil law carried the doctrine very much further than was ever recognised by the law of England; and, the matter being one involving a question of common law, he obtained the assistance of Mr. Justice Maule and Mr. Baron Alderson, who heard the case with him. It was most elaborately argued, and they came to the conclusion that the rights of the Crown were bounded by the middle line between the highest and lowest point to which the spring-tides reached. Then came the point, how was that line to be drawn? The matter came before him by petition, and it was arranged, with the consent of both parties, that an engineer should be named, who, with the decision of the court in his hand, should draw the required line; and Mr. Rendel was selected. If Mr. Rendel had been guilty of any delay, it was Mr. Lewis's fault, for not forcing him on; but no complaint was made of his proceedings. When Mr. Rendel died, it was necessary to appoint another arbitrator, and Mr. Bidder was appointed. With regard to Mr. Bidder's having been appointed with Mr. Lewis's approbation, he had in his hand a letter from Mr. Lewis's solicitor, in which he stated that he was willing to accept Mr. Bidder's arbitration. What had been the cause of the delay, he (the Lord Chancellor) did not know; but the matter stood thus:— that the Crown, on its own part, or rather on the part of the public, had asserted certain rights, in which it had been successful.

THE DUKE OF BUCCLEUCH said, that as regarded the proceedings of the Woods and Forests, there were many complaints of the vexatious manner in which this part of the business of the department was conducted. He knew of a case in which a disputed right of this kind had been suspended over a proprietor and his father for years and years, and no decision had been come to. It would be a desirable thing for the public, if the Woods and Forests were compelled to bring these matters to a speedy trial.

LORD CAMPBELL was understood to protest against the doctrine which had been laid down, and which was calculated to produce uncertainty where none existed, with regard to the rights of the Crown, which was unquestionably entitled to the soil of the sea-shore between high and low water-mark.

LORD BROUGHAM said, there was no doubt about the law; but there ought to be some limit between the rigorous and the capricious exercise of these rights of the Crown. This was not, however, a subject for legislation, as the rights of the Crown were undeniable; but the Crown could only deal with them so as to benefit the public, LORD WENSLEYDALE agreed with his noble and learned Friend on the woolsack and his noble and learned Friend (Lord Brougham) that it would be entirely useless to legislate on this subject, as the law was perfectly clear. The sea-shore belonged to the Crown for the benefit of the public; but there was a difficulty in interpreting what was the foreshore, and the question came before the Lord Chancellor, who, with the assistance of two of the common law Judges, had laid down the proper line. There could be no doubt that the sea-shore was held by the Crown for the benefit of its subjects, and the Crown had a right to grant the land to any one it pleased, provided that the grant was not inconsistent with its rights.

Petitions read, and ordered to lie on the table.

House adjourned at Seven o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, July 6, 1857.

MINUTES.] PUBLIC BILLS.—1° Militia Ballots Suspension; Metropolitan Police Stations, &c.; Insurance Companies; Mutual Companies.

2° Land Tax Commissioners' Names; Smoke Nuisance (Scotland) Abatement.

CAMBRIDGE BOROUGH ELECTION.

REPORT.

House informed, that the Committee had determined,—

That Andrew Steuart, Esquire, is duly elected a Burgess to serve in this present Parliament for the Borough of Cambridge.

And the said Determination was ordered to be entered in the Journals of this House.

ST. JOHN'S, CHESTER—QUESTION.

MR. SALISBURY said, he wished to ask the right hon. the Secretary of State for the Home Department if an Order in Council has been issued to close the graveyard attached to St. John's Church, in the city of Chester; the date of such order, and if the same has been enforced?

SIR GEORGE GREY said, such an Order had been issued, and he had no reason to believe that it would be modified.

RIVER DEE—QUESTION.

MR. SALISBURY said, he would now beg to ask the First Lord of the Admiralty if he will lay on the table of the House copies of all correspondence which has passed between the Admiralty, the authorities of the city of Chester, and other parties in the counties of Chester and Flint, since 1840, respecting the state of the river Dee?

SIR CHARLES WOOD said, he had no objection to lay on the table such parts of the correspondence as the hon. Member desired. That correspondence, however, had gone on for the last sixteen years, and it was undesirable to entail upon the country the cost of printing the whole of it.

CASTLE DITCH, CHESTER—QUESTION.

MR. SALISBURY said, he would also ask the hon. Under Secretary for War if a plot of land under lease from the principal officers of Her Majesty's Ordnance to Mr. James Martin, dated July 3, 1851, and known as "The Castle Ditch," in the city of Chester, is required by the authorities for building purposes, and the nature of the erections proposed to be put on such land.

SIR JOHN RAMSDEN said, there was no present intention on the part of the authorities to take a plot of land known as "The Castle Ditch," Chester, for building purposes.

STATUE OF RICHARD CŒUR DE LION.

QUESTION.

MR. HANKEY said, he wished to ask the right hon. the Chief Commissioner of Works whether any decision has yet been made as to the spot where the statue of Richard Cœur de Lion, by Baron Marochetti, purchased by subscription, and presented to the nation in 1856, is to be erected.

SIR BENJAMIN HALL said, no decision had yet been arrived at, as to the exact spot where the statue should be placed; but Carlton Gardens had been suggested.

PETTY SESSIONS (IRELAND)—QUESTION.

SIR GEORGE FORSTER said, he would beg to ask the Chief Secretary for Ireland whether the Treasury has come to any decision as to the unappropriated annual balance of fines and penalties (Ireland) being applied in future in aid of salaries for petty sessions clerks; and if so, whether he is prepared to bring in a Bill this Session to provide for payment of petty sessions clerks by salary in place of fees, as at present?

MR. H. A. HERBERT said, it was his intention to bring in a Bill in, he hoped, a very few days, to provide for the payment of petty sessions clerks by salary in lieu of fees, and also that a Bill was in course of preparation for applying the unappropriated annual balance of fines and penalties (Ireland) in aid of such salaries.

THE "ONEIDA"—QUESTION.

MR. H. BERKELEY said, he wished to ask the Secretary to the Treasury, in reference to the statement of the First Lord of the Admiralty that the steamer *Oneida* had been condemned by the Government surveyor, under what circumstances the said vessel was employed in the conveyance of Her Majesty's mails from this country and Australia, notwithstanding such Report; and whether it be a fact that he has offered to the Royal West India Mail Company to extend for two years beyond the time now prescribed the subsidy of £270,000, which they already receive from Government, provided they consent to amalgamate with the European and Australian Mail Company, the owners of the said steamer *Oneida*, and undertake the Australian mail contract.

MR. WILSON, in reply, said, the *Oneida* was not employed for the purpose of conveying the regular mail to Australia. It no doubt carried a mail, but that mail was an ordinary transit one, which any other vessel might have carried. The circumstances to which his hon. Friend alluded were these:—The *Oneida* was one of the vessels offered by the European and Australian Company for the purpose of performing their contract. According to the rule of the Government, she was surveyed by the Admiralty surveyor at Southampton before she left this country. That survey took place on the 18th of October in last year, and the *Oneida* sailed on the 19th. On the 20th, the day afterwards, the surveyor reported to the Admiralty, and on the 21st the Admiralty made a Report to the Treasury; but of course it was then impossible to prevent the departure of the steamer. An intimation was, however, immediately made to the company that the *Oneida* would not be accepted under their contract for the performance of the service. Before she returned, as was known, the *Oneida* broke down; but, he must repeat, she had not been accepted by the Government. With reference to the other portion of the question, it had been already suggested to him that an arrangement, such as that stated by his hon. Friend, might be carried out; but the Government had come to no conclusion upon the matter, nor had a formal proposition been made on the subject. When such a proposal was submitted, it would, of course, be considered with a due regard to the interest of the public.

THE KRUGER COLLECTION—QUESTION.

MR. STIRLING said, he would beg to inquire of the hon. Secretary to the Treasury the name of the artist or amateur upon whose recommendation the collection of pictures formed by Herr Krüger were purchased for the National Gallery; and whether the purchase was effected with the knowledge and advice of the trustees of the National Gallery?

MR. WILSON said, that the purchase to which the hon. Gentleman had alluded had been made a few years ago, when, in point of fact, the trustees of the National Gallery were in a state of transition. It took place immediately after a Report from a Committee of the House of Commons, which practically put an end to the old constitution of the Board of Trustees, and before the new constitution was established. The purchase had not been made with the advice or even with the cognizance of the trustees as a body, but under the immediate advice, he believed, of Mr. Dyce. Sir Charles Eastlake saw one of the pictures which was sent home, but he was in no way responsible for the purchase either of that picture or of the collection; neither were the trustees of the National Gallery.

GUANO—QUESTION.

MR. BAXTER said, he would beg to ask the First Lord of the Admiralty why no vessel of war proceeded to Bird Island, in the Pacific, before December, 1856, although, as it appears from the printed papers, Mr. Miller, Her Majesty's Consul at Woahoo, had made known to the commanders of all Her Majesty's ships that touched at that port since August, 1854, and also to the Commander in Chief of Her Majesty's Naval Forces in the Pacific, the purport of Mr. Hammond's circular despatch of May, 1854, directing diligent search to be made for deposits of guano; and whether Bird Island has since been taken possession of by the United States?

Sir CHARLES WOOD said, that he could give no precise information upon the subject beyond that which was contained in the papers already before the House. He had no doubt, however, that the reason why no vessel had been sent to Bird Island was attributable to the demand upon our naval resources during the war.

PROPERTY-TAX AND POPULATION RETURNS.

RETURNS MOVED FOR.

Mr. DISRAELI said, he rose to move an Address to the Crown for—

> "Returns of the annual value of all Real Property rated under Schedule (A) of the Income Tax, for the year ended the 5th day of January, 1857, in each County or Parliamentary Division of a County in the United Kingdom, exclusive of the Real Property in each Parliamentary Borough, comprised within each such County or Division:
>
> "Of the annual value of all Real Property, rated under Schedule (A) of the Income Tax, for the year ended the 5th day of April, 1857, in each Parliamentary Borough in each such County:
>
> "Of the Population of each County or Parliamentary Division of a County, from the Census of 1851, not including the Population within any Parliamentary Borough in such County:
>
> "And of the Population of each Parliamentary Borough within each County."

The CHANCELLOR of the EXCHEQUER said, that it had not been the practice to grant Returns of this sort, on the ground that it was not considered desirable to divulge their contents. He had, however, no objection to make the present Return, inasmuch as it exclusively related to Schedule A; but if a similar Return should be moved for with respect to Schedule D, the Government would not consider themselves bound to agree to it.

Mr. DISRAELI said, that the Returns for which he had moved related to real property, and bore upon the question of the franchise. He had no intention to move for similar Returns under Schedule D.

Motion *agreed to.*

NEW WRITS—MOTION.

Sir GEORGE GREY said that, in the absence of Viscount Palmerston, he rose to move the following Resolution:—

> "That in all cases when the seat of any Member has been declared void by an Election Committee, on the ground of Bribery or Treating, no Motion for the issuing of a New Writ shall be made without two days' previous notice being given in the Votes."

He felt the full force of the observations which had been made by the right hon. Member for Buckinghamshire (Mr. Disraeli) on Friday last, and he thought, under the circumstances, that two days' notice, as now proposed, would be preferable to seven days' notice, as originally intended. Two days' notice would prevent surprise in moving for a new writ, while it would not have the effect referred to by the right hon. Gentleman, of practically disfranchising a constituency during the whole of a Session or recess.

Mr. DISRAELI said, that it appeared to him that the Resolution, as now worded, was a just and expedient arrangement.

Mr. T. DUNCOMBE said, he was not at all surprised that the right hon. Gentleman opposite should cheerfully accede to the Motion proposed by the Government. On Friday he (Mr. T. Duncombe) had felt it his duty to propose the revival of a Resolution which was tantamount to a Standing Order of the last Parliament, it having been passed at the commencement of that Parliament at the instance of the noble Lord the Member for the City of London. He was sorry not to see the noble Lord now in his place, and indeed he thought the House ought not to dispose of this Resolution in the noble Lord's absence. It might be postponed for a week without any inconvenience. He protested against the course adopted by the Government, and thought it would be much better to adopt the Resolution in its original form, which required seven days' notice to be given of the Motion for the issue of a writ where a Member was unseated for bribery or corruption, and thus gave greater weight and solemnity to the proceeding. He had handed over his Resolution to the Government with the view of its being again proposed, certainly not with any expectation or belief that the Government was about to mutilate, and cripple, and fritter away that valuable Resolution in the way now proposed. The modification was proposed in consequence of something that had fallen from the right hon. Gentleman opposite, namely, that six weeks might elapse from the Report of a Committee to the issuing of the writ, in consequence of the evidence not being printed on which the House had to form an opinion. The seven days' notice was originally agreed on in order that the House might have the opportunity of judging whether the writ ought to be suspended at all. It should be remembered that now the evidence taken before Committees was always printed from day to day; and he had ascertained that in a case of this kind, after a Committee had sat six or seven days, or even a fortnight, the evidence of each day being ready in type, and merely requiring to be put together, three days longer would be quite sufficient for it to be printed for the use of the House generally. Therefore the objection that a month or six weeks might elapse, did not at all apply. The object of the Resolution of the last Parliament, passed in 1852, was to enable the House to ascertain whether it was necessary that a Commission should be issued on a joint address of both Houses to the Crown, under Lord John Russell's Act, to inquire on the spot into acts of bribery and corruption. In the previous Parliament, commencing in 1848, it was only necessary to give notice of a Motion for the issue of a writ, no time being specified. The greatest inconvenience arose from this. The question of issuing a writ was a question of privilege. An hon. Member had nothing to do but give notice that he would move the issue of a certain writ, if it had only been suspended for a day. It was not at all settled at what hour such a Motion should come on. The mover might bring it on at any hour of the night; he might take advantage of the absence of those who were expected to oppose it, or might bring it on the next night. It was in consequence of that, that the noble Lord the Member for the City of London, in the following Parliament, amended the Resolution by requiring seven days' notice; and the House agreed to it. That Resolution had worked well all through that Parliament. The writs for five places were suspended in consequence, and Commissions of Inquiry were issued upon the evidence laid before the House. He hoped the House would not consent to fritter away that valuable Resolution in the absence of the noble Lord. [*Cries of* "Order!"] He thought he was not out of order. He should move, as an Amendment, the original terms of the Order of last Parliament, namely, that seven days' notice should be given, instead of two, as was now proposed. He would only say that if this proposal was a specimen of the noble Lord's promised Reform Bill, it was a very bad omen for the future. He begged to move, as an Amendment, that seven days' notice should be given of any Motion for the issue of a writ.

Amendment proposed, "To leave out the word 'two' in order to insert the word 'seven' instead thereof."

MR. MILES said, it was not the case on Election Committees that the evidence was printed from day to day, though this was done on other Committees. Consequently there would be great difficulty in having the whole of the evidence struck off in a short time. But the real fact was, that any delay in the issue of a writ was only necessary to give sufficient time to enable the hon. Members who had sat on the Committee to be in the House, as on the statement of their opinions, and more particularly that of the Chairman, who always took voluminous notes, the House would be in a condition to settle whether, after the expiration of two days, the writ should issue. It would be in the option of the House, after that delay had taken place, either to delay the writ further, or to order it to issue. Of course, if it should appear to the House from the statement of the Chairman of a Committee that considerable bribery had taken place in any constituency, the House would exercise a sound discretion in delaying the issue of the writ until the whole of the evidence was before them. This it could do in two days, as well as if it were delayed for seven. He was decidedly in favour of the shorter time.

MR. DIVETT said, that as far as his experience had gone, he was decidedly in favour of the Amendment. He did not think that two days was by any means sufficient. He could not at all understand how this compromise had taken place between the Government and the right hon. Gentleman opposite. A feature had arisen at the last election which called for the very serious attention of the House; he meant the number of cases where extensive bribery was proved to have been committed, but without compromising hon. Members or their agents. It was incumbent upon the House, if it meant to put down bribery, to order a prosecution in every case of that sort. It would be a perfect disgrace if these Reports were allowed to pass without steps being taken by the House to secure a prosecution in every case where bribery was proved to have taken place, but without the cognizance of the Member or his agents, though of course hon. Members should not be held responsible for acts of which they were innocent. Unless this were done, it was a perfect farce to talk of putting down bribery or treating.

MR. HENLEY observed, that he thought the Government had come to a very fair decision. A very well-grounded jealousy had been expressed against the undue delay of a writ. As to prosecuting parties against whom bribery had been proved, the issuing of the writ had nothing to do with that. Of course no one would think of taking the step of moving that a prosecution for bribery should be instituted until they had the opportunity of reading the evidence. He thought two days would be quite long enough for the purpose proposed. It was no hardship to a constituency to have their writ delayed two days; but he thought a delay of seven days was unreasonable.

MR. SOTHERON-ESTCOURT said, the seven days' notice had been a Standing Order of the House for the last five years; it had fully and completely carried out its object, and it would be very unwise in the House to depart from the precedent without sufficient reason. In 1848 a Resolution was come to that no writ should be moved for without notice, no time being specified. In 1852, when many cases of bribery were reported, it was thought desirable to fix the notice at seven days. A Resolution to that effect was drawn up by Lord John Russell, and he had the honour of proposing it. He believed that it had never operated in any way disadvantageously, either to the House or the parties interested. For his own part, he could not understand why the Government should propose a notice of two days rather than three or any other number, and he thought the House would do wisely in adhering to that course which had been sanctioned by experience.

SIR GEORGE GREY said, it was a mistake to suppose that there had ever been a Standing Order on the subject; the Resolution in both cases was merely passed as a Sessional Order. The reason why two days was fixed on was that the writ might issue at the earliest possible period, provided, in the opinion of the House, there was no reason for delaying it further. As the House met at twelve o'clock on Wednesdays, it was necessary to require two days' notice, otherwise a writ might be moved on Wednesday morning, upon notice given late on the preceding night.

Question put, "That the word 'two' stand part of the Question."

The House *divided* :—Ayes 190; Noes 138: Majority 52.

Main Question put, and *agreed to.*

PROBATES AND LETTERS OF ADMINISTRATION BILL—COMMITTEE.

Order for Committee read.

MR. MALINS said, that he would repeat the statement he had made on the second reading, that he was not about to offer any opposition to the Bill, seeing that it was in accordance with the Report of the Chancery Commissioners. On the contrary, he should support it on one understanding — that was, that compensation should be made to those whose prospects in life would be ruined by the Bill, namely, the proctors. He should not, therefore, offer any opposition to the Speaker leaving the Chair; but he, and those acting with him, did so with the full understanding, that if the Government did not assent to the introduction of such clause as would effect the object he had in view, every opposition would be offered ultimately to the progress of the Bill.

MR. HADFIELD said, that he must deprecate the opposition of the proctors as unfair. The admission of the principle of compensation would involve an enormous sum, with the certainty, as far as could be ascertained, that the business of the parties would be immensely increased by the new Act. He protested, therefore, against the principle of compensation to a class of monopolists, who prevented justice being done to the country.

MR. W. N. HODGSON said, that he did not rise for the purpose of opposing the House going into Committee on this Bill, but to put a question to the Attorney General in connexion with the new system it was about to establish, for he doubted whether the present Bill would effect any improvements in the existing practice in reference to probates and letters of administration. That point could only be determined by a knowledge of the scale of fees which it was proposed to levy in the new district courts. He thought, therefore, that the House was entitled to the fullest possible information on the subject of those fees before going any further with the Bill, that it might be seen whether it would have the effect of making the probate of wills cheaper than formerly. Judging from what he had seen of the Bill, he was of opinion that, unless very material alterations were made in Committee, the proving of wills would not only be dearer than at present, but also less expeditious. Of late years there had been a feeling generally prevalent in favour of law being made as cheap and accessible as possible, and that feeling had been to some extent recognised both by that and the other House of Parliament; but that course had not been adopted in the present measure; for he doubted, if the measure passed into law, whether any economy would be found to result from it. For himself, he thought the present system was in the main much better adapted for the proving of wills than the Court of Probate about to be established. He should have thought the best course would have been to put an end to all the minor courts, and to establish a court in each diocese, with the power of proving wills to any amount. By this Bill, as it stood, an executor could only prove to the extent of £1,500 in any of the diocesan courts, so that where the estate was above that amount, probate would have to be taken out in London, which would be much less convenient than the proving a will in the diocese in which the testator died. He objected also to the proposed transfer of the contentious jurisdiction relating to wills to the Judges of the County Courts. He thought that a most objectionable clause, because the Judges had not been appointed to their present offices in consideration of their attainments in ecclesiastical, but of their attainments in common law; and why this new power should be given to them he was at a loss to conceive. He hoped, therefore, that clause would be modified in Committee. His opinion was, that where they had had a proper Judge of the diocesan courts in the country, very little, if any, complaint had been made against the present system of proving wills; and that the great odium which had been brought upon that system, arose from the enormous sinecures which had long existed in the London courts; but he did not think the present Bill would provide any remedy for this defect, or save any money to the country. He trusted that the hon. Gentleman the Attorney General would favour the House with the amount which the establishment of the new courts would cost the country, and the amount of fees which suitors would have to pay.

Sir HENRY WILLOUGHBY said, the House was going into Committee without any information whatever on the most material point of this important Bill. He (Sir H. Willoughby) had brought the question of compensation before the Attorney General on a former occasion, and the hon. Gentleman had stated that the House should have sufficient information on the subject. That information had not, however, been furnished. He (Sir H. Willoughby) wished, therefore, to know how many officers of the present courts were to receive compensation for their offices under the Bill? and how many Judges there were to be, and what was to be the cost? The enormous amount of compensation in this country exceeded the whole cost of the administration of the law in any country in the world. There were also twenty-one clauses in the Bill in red ink, and he should wish to know what was the meaning of that. He thought that the House of Commons, and not Her Majesty's Treasury, ought to settle the principle on which compensation should be granted, and that some information should be given on that point before going into Committee.

Colonel SMYTH said, he begged to support what had fallen from the hon. Baronet (Sir H. Willoughby). He (Mr. Smyth) admitted the necessity of legislation on this subject; but unless the House received a pledge that the proctors were to receive a sufficient compensation, he thought that they would be justified in not allowing the Speaker to leave the Chair.

The ATTORNEY GENERAL said, that whilst he recognised the strong feeling which existed in many quarters in favour of compensation for the proctors, he must observe that on the present occasion two or three hon. Gentlemen had spoken demanding additional compensation for this body, whilst another hon. Gentleman had deprecated any compensation whatever. Every description of compensation had been offered, and each scheme would far better be discussed in Committee. Any statement on his part would only lead to a desultory conversation. It was, then, not from want of courtesy, but merely to prevent a waste of time in a general discussion of the question of compensation, that he asked hon. Gentlemen to allow the Bill to pass into Committee on the general promise that, when they came to the particular clause of the Bill, the subject should receive the fullest consideration.

House in Committee.

Clause 1 *agreed to.*

Clause 2.

MR. COLLIER said, he rose to move to substitute in page 2, line 11, the words "Office of Probate" for "Court of Probate," with a view to further Amendments, the effect of which would be to give all the contentious business to the Superior Courts of Common Law. The business of the Ecclesiastical Courts was of two kinds—the common form and the contentious. The common form consisted of proof of wills with respect to which there was no dispute, and, as had been stated by the Lord Chancellor, might more properly be disposed of by a registrar than by a Judge. The contentious business included all the cases in which wills were disputed. The main questions arising in those cases were, whether the testator was sane, whether he was fit to make a will, whether he was under undue influence, was fraud practised, or was the will a forgery? This Bill did not give the determination of those questions to the new court, but provided that the new court should send them to the Superior Courts of Common Law. The Bill proposed to send a case before Court A, which was to send it to Court B, which Court B was to send it back to Court A. This principle he (Mr. Collier) contended was altogether a vicious one. To the question, what, then, would the new Judge have to do, the Lord Chancellor had supplied the answer—next to nothing. What he (Mr. Collier) proposed was, that as the common law courts were to have nine-tenths of the contentious business, they should also have the remaining tenth, and that consequently the whole of the contentious business should be transferred to the courts of common law, and that the non-contentious business should be done by a registrar under the direction of those courts. He would give the courts of common law powers to make orders, to frame issues, to cite parties, and to make persons parties to an issue, so that all questions in dispute might be settled. No one would deny that this was the cheapest plan, as it would save a court, and it was the simplest plan, because it did away with a jurisdiction by transferring the business to the ordinary tribunals of the country, as had been done in Scotland. There seemed to him to be only two objections—that the Judges of the Superior Courts of Common Law had not time to exercise this jurisdiction, and that they were not competent to do it. As to the first, the County Courts had greatly relieved the common law courts of business. On the Western Circuit the cause list used to contain upwards of 500 causes. Latterly it had not contained above fifty. Owing to the Common Law Procedure Act the number of rules granted by the Superior Courts in the course of a year, from being upwards of 30,000, had become less than 3,000. That showed the House the extent to which the business of the courts of common law had been affected by the County Courts and the simplification of procedure. Moreover, a Commission was now sitting for the purpose of inquiring whether the number of the common law Judges might not be diminished with benefit to the public. Under these circumstances it seemed difficult to contend that the Superior Courts of Common Law had not time to do the business which he proposed to transfer to them. The next question was, were they competent to it? Several of the common law Judges had from time to time been members of the Judicial Committee of Privy Council, which sat as a court of appeal from the Ecclesiastical Courts, and he had never heard it alleged that those Judges were incompetent to perform that portion of their duties. It seemed to him that there were only two alternatives before the Committee. They must either have no new court at all, or have an efficient one. The Bill proposed to establish an inefficient court. He would therefore submit his Amendment to the Committee transferring the business to the courts of common law; and if not successful in effecting that object, he would then endeavour to make the new court as efficient as possible, by proposing that it should have the power of summoning a jury, and not be compelled to send the issues which arose in the cases that came before it to another court to be tried.

MR. ATHERTON said, he hoped that his hon. and learned Friend would not proceed with the series of Amendments which he had propounded to the Committee. If his hon. and learned Friend had any hope of accomplishing the object which he had in view, he ought to have taken an opportunity of opposing the second reading of the Bill. The foundation upon which the measure rested was the establishment of a Court of Probate, presided over by a Judge. His hon. and learned Friend wished to dispense with the court and Judge, and to substitute a registrar and an office. So sweeping an alteration ought not to be proposed by way of amendment in Committee. He thought that his hon. and learned Friend underrated the amount of business which would have to be transacted by the new tribunal. At the same time he admitted that there might be ground for complaint upon that score; but his hon. and learned Friend had himself pointed out the appropriate remedy—to give the new Judge more to do. It would be a pity to constitute a Court of Probate, the Judge of which should be a mere transmitter of issues to the other courts; but he had some reason for believing that the Attorney General would, at the proper time, when they came to the 32nd clause, assent to a proposition to the effect that the Judge of the Court of Probate, instead of being compelled to send for trial in the courts of common law all issues of fact arising before him, should have the power himself to dispose of them. An additional amount of business might be thrown upon the new Judge by intrusting to him the duty of hearing and disposing of Motions for new trials. The Bill was not the best that could be desired, but it was a great improvement upon the existing law, and as such he would give it his support. He hoped, however, that it would contain some provision for compensation to those who were likely to be affected by it.

Sir FITZROY KELLY said, that as it was his misfortune to be unavoidably absent when the Bill was read a second time, he wished to take the present opportunity of making a few observations upon some of the principal points involved in the measure. He cordially and entirely approved most of the provisions of the Bill. Last Session he had the honour to submit to the House a measure which embraced, with few, small, and partial exceptions, the main improvements for which they were now indebted to the Government. They were all agreed in accepting that provision of the present Bill which at once and for ever put an end to the testamentary jurisdiction of the Ecclesiastical Courts. As the entire common form business was to be committed to the charge of local officers of long standing, and both the proving a will and granting of letters of administration were to be under the control of one court, he did not anticipate that the fees would be excessive; on the contrary, he thought they would be less than hitherto. He entirely approved all those clauses of the Bill, with some slight modifications, which gave the local business to the local registrars. Among the many other inestimable provisions of the Bill this stood pre-eminent, that officers who must have been entitled on every principle of justice to large compensation for loss of office, might be continued in office, and if they were they would, of course, not be entitled to any compensation. That part of the Bill which would give to the proposed court jurisdiction over real as well as personal estate with regard to the proving of wills was a great improvement, and would go far to remedy the grievance of which his hon. and learned Friend the Member for Plymouth (Mr. Collier) had complained, because it would certainly prevent the Judge from having scarcely any business to transact. The Judges of the Courts at Westminster Hall were undoubtedly the best qualified Judges in the land to administer the law under this Bill, and if the Government were prepared to inform the House that those eminent personages had sufficient leisure time to undertake that task, he should most willingly vote for the proposition of his hon. and learned Friend. But so far as he had communicated with the Judges, he must say that it was extremely doubtful whether their labours at *Nisi Prius* were not so great as to preclude the possibility of their undertaking any additional business. For several days there had been no less than six *Nisi Prius* Courts sitting in the metropolis, each court sitting several hours a day. If, however, the Government were satisfied that, without prejudice to their other duties the common law Judges could dispose of the business of the Probate Court, the expense of the new court might be saved. With respect to what had fallen from the hon. and learned Member for Durham (Mr. Atherton), he had to remark, that if the contentious business was to be transferred to a common law court, it became important to consider how the business was to be conducted, and what jurisdiction was to be conferred on the new court. He had heard with great satisfaction what had fallen from the hon. and learned Member. The suggestion of the hon. and learned Member for Plymouth (Mr. Collier) so nearly resembled the plan which he had himself ventured to propose in his Bill of last year, that he trusted the Government would adopt it. It was stated by the Lord Chancellor, and by his hon. and learned Friend the Attorney General, that the main object of the Bill was this—

that the business of the court should be carried on and justice administered there upon common lawprinciples. He felt bound, however, to point out that this could never be the case until the Bill was materially amended. In the first place, the fifth clause enacted that the Judge of the Prerogative Court of Canterbury should be the first Judge of the new tribunal. Now, he submitted that it was somewhat unusual to impose upon Parliament the responsibility of appointing the Judges; he apprehended that it was for the Ministers of the Crown to advise Her Majesty who should preside in Her Majesty's courts. He should therefore suggest the omission of this part of the clause, leaving the hands of the Government entirely free as to whom they might think fit to appoint. He should likewise suggest an Amendment upon another clause relating to the Judge. It was proposed that until the union of the Admiralty with the testamentary jurisdiction took place the Judge should receive a salary of £4,000 a year only, whereas the permanent and final salary was to be £5,000. Now, as it was essentially necessary that the Judge of this new court should be at least upon an equality in point of station, experience, learning, and ability with the Vice Chancellors and the Puisne Judges of the courts of common law, he saw no reason why he should not also receive the same salary. With regard to the rules and regulations for the conduct of business in the new court, the only further change necessary was that to which both his hon. and learned Friends who had just spoken had referred, and which would make this Bill exactly conformable to the measure introduced by him in the last Session. The duty of transacting the whole business of this court ought to be imposed upon the Judge. If he were competent—and no doubt he would be—there was no reason why he should be a mere minister in the office held by him, and should send issues to be tried by other courts; he ought to be enabled to try cases in the same way as other Judges in Westminster Hall. The result would then be, that while the common form business was left in other hands, and those best qualified for it, the contentious business of the country, with the exception of that portion of it intrusted to the County Courts, would be tried by the new tribunal in London, which would decide on all questions of law and of fact, with the aid of other Judges who might be called upon to render assistance. With the single exception of issues to be tried at the assizes, which he would have the same right to direct as the Vice Chancellor, the new Judge would thus have jurisdiction to determine all causes relating to wills in his own court. It had been observed that the new tribunal would have too little to do, at all events until the Admiralty was united with the testamentary jurisdiction. He had already suggested—and he doubted not that the suggestion would be adopted by the Government—the introduction of a clause enabling the Judge of this court, in case Her Majesty required his services, to sit as a member of the Judicial Committee of the Privy Council. If, therefore, it should happen—though he apprehended no such thing—that at certain periods of the year the Judge should have too little to do, he would then be enabled to render assistance in the administration of justice upon the Judicial Committee, which sat, he believed, for some fifty or sixty days in the year, and would then have ample occupation. Under all the circumstances of the case, he hoped his hon. and learned Friend the Member for Plymouth would not deem it necessary upon that occasion to press his Amendment to a division.

Mr. MALINS said, he should oppose the Amendment. His hon. and learned Friend (Mr. Collier) proposed to send all contentious business to courts of common law, leaving a registrar to deal with common forms. That Amendment raised a very important point, and he was surprised that his hon. and learned Friend had sat down without attempting to show how it was to be carried into effect. There were 25,000 wills and administrations in England every year, or nearly eighty a day. How, he asked, was that mass of business to be got through a court of common law? This Bill was mainly founded upon the Report of the Chancery Commissioners. And he (Mr. Malins) would remind the Committee, that they stated in their Report that the probates of wills and granting administrations were not mere subjects of registration; that they often involved delicate points, the neglect of which would be very prejudicial to the public interest; and they refused to recommend the transfer of this business to the Court of Chancery or to any court generally occupied by other matters, believing that it should be transacted by no court in which testamentary jurisdiction was not the primary occupation of the Judge. They also stated, that they carefully considered the question, but were of opinion that the machinery of the courts of common law was not adapted to the transaction of the testamentary jurisdiction of the country. Out of the 25,000 probates of administration taken out every year, there were not upon the average more than 100 contentious cases. How, then, were they to deal with the enormous quantity of common form business? His hon. and learned Friend the Member for Plymouth (Mr. Collier) said, "by means of a registrar;" but the Commissioners stated in their Report, that it was of the highest importance that the common form business should be controlled by a Judge eminently qualified by his knowledge of that branch of the business to decide, and to decide immediately, all questions which might arise. He apprehended that the Committee would be of opinion that the Report of the Commissioners ought to be adhered to, and that it would be out of the question to refer this business to the courts of common law. The question arose, however, whether it would not be better to give the Judge of the testamentary court the power of summoning a jury over which he might preside, instead of sending the contentious business to be tried by the common law courts, and this he thought was a question which deserved consideration. His hon. and learned Friend the Member for Suffolk (Sir F. Kelly) had suggested that there would be a great increase of business in consequence of the court having jurisdiction over wills of real estate, which the Court of Probate had not hitherto had to deal with. It was very seldom indeed, however, that men made more than one will in order to dispose of the whole of their property—personal as well as real. In extraordinary cases, a person might wish to dispose of his real property so differently from his personal property, that he might make two wills; but the instances were very rare. He (Mr. Malins), in an experience of twenty years, did not remember more than five instances in which a will affected the real estate only. One will usually disposed of both personal and real property, and then it was necessary to be proved. The additional business brought to the court, therefore, in consequence of giving it jurisdiction over real estate, would not be appreciable. He would next say a few words with regard to the supposed occupation of the new Judge. If that functionary should be appointed a member of the Judicial Committee of the Privy Council, ample provision would be made for the employment of any time he might have to spare in his own court; but the Committee need not be afraid that he would have much of that time; and in any case it would be better that he should be underworked than that he should be overwhelmed with business. He (Mr. Malins) had only further to observe that no new public charge would be incurred by the establishment of the proposed office, because the personage who would receive the appointment would be the Judge of the existing Prerogative Court.

SIR FITZROY KELLY said, that the statement which he had made, and to which his hon. and learned Friend (Mr. Malins) had referred, had merely a reference to the fact, that if there was a will for the personal property and a will for the real estate, the former only was proved at present in the Prerogative Court, but that the will in reference to the real estate should also be proved before the proposed new court, and that the court would by that means have an additional duty to discharge.

MR. BOWYER said, he entirely concurred in the principle of the Amendments proposed by the hon. and learned Member for Plymouth, because they tended to get rid of a most unscientific distinction of jurisdictions. Under our present system, there was what was called a testamentary jurisdiction; but the distinction between testamentary and other jurisdictions with regard to questions of property was a purely historical distinction, and was based upon no one principle of jurisprudence or policy. If a court were required to administer wills only, why should there not be a court of leases and a court of mortgages? He contended that the distinction was ridiculous, and that its absurdity was shown by the fact that, after all, there were many cases with regard to wills which could not be decided exclusively by the testamentary jurisdiction. With respect to the amount of occupation that would be provided for the Judge of the new court, it was avowed that he would not have enough to do if he had jurisdiction only over contentious cases. But with respect to the business in common form, he (Mr. Bowyer) wanted to know why a probate should be necessary for a will any more than for a deed. There ought to be a registry of wills and of deeds also; but probate he held to be an error which had resulted from the history of the Ecclesiastical Courts and from the separate jurisdiction in regard to wills. If a will were not disputed, why should probate be required? He knew a case in which, in consequence of the existing requirements of the law, much delay and needless expense had been incurred. A will, which was altogether undisputed, happened to have mentioned in one part a single executor only, and in another the word was written in the plural number. When the will was sent up to the Prerogative Court in London this discrepancy was discovered, and, though everybody concerned was perfectly satisfied with the will, the question went before the proctor, and then to the registrar. The attorney in the country had to come up to London several times, and a bill of £20 or £30 was run up, which, after a delay of two months, the parties had to pay, though the validity of the instrument was completely undisputed. Such a case was sufficient to demonstrate the absurdity of the proposed jurisdiction over undisputed wills. Understanding that the principle of the Amendment which had been moved by his hon. and learned Friend the Member for Plymouth was, that the place where the common form business was to be transacted should be the office of a registrar, and not a court, while the contested business should go to the common law courts, he should give his support to it.

MR. ATHERTON observed, that he could not agree in the statement of the hon. and learned Member for Plymouth, that the courts of common law had not at present sufficient business to employ them.

MR. COLLIER explained. He did not say that they had not sufficient to employ them, but that they would be able to transact the business he proposed to transfer to them.

MR. ATHERTON said, that the result of his experience was that, though, to the credit of the courts, a certain kind of business had diminished of late years in consequence of interference on the part of the Legislature—the scandalous business, he called it, such as that whereby a person who had put his name to a promissory note was enabled to force the holder of it to recur to costly litigation before he could recover—yet business of another kind had very much increased. Appeals had multiplied five or six fold, and a single case of appeal from the Queen's Bench must be heard by the staff of the other two courts. Business had, indeed, so much increased, that it was hardly possible to obtain a sufficient attendance of Judges for sittings in error and for the ordinary sittings out of term; and where one court used to sit for the disposal of cases before juries, two were now continually sitting for that purpose. Therefore, though he had formerly approved the proposition of the hon. and learned Member for Plymouth, yet he had not approved it as an Amendment upon the present Bill, and it must be borne in mind that a statement of the business of the courts made two years ago was not a statement of the business in the present day.

MR. WHITESIDE said, he wished to suggest to the Government the justice and the expediency of allowing parties to prove wills over £1,500 before the local courts. It was just as easy to prove a will of £30,000 as a will of £300, and people in the country ought to have the option of having recourse to the cheaper and more expeditious mode of proceeding, instead of being obliged to come to London.

MR. AYRTON said, he hoped the important question involved in the Amendment would not be decided on the narrow issue of whether the Judges of the courts of common law were fully occupied or not. He conceived that the Bill was founded on the soundest principles of law reform in placing the jurisdiction with respect to common form business and contested wills in one single court, and not allowing it to be exercised by any Court at Westminster to which any suitor might choose to resort. It was at all times difficult to distinguish between ordinary and contentious proceedings, because questions might arise in respect to the former class of cases in which the opinion of the Judge would be required. There was an immense number of cases of what he might term an intermediate description, between those which usually came before the Court of Chancery and the ordinary Probate Court, and he was of opinion that they should be submitted to a court over which one Judge of great experience in such matters should preside. But if questions arose with reference to a will or wills, sanity or insanity, they should try the question by summoning a jury just in the manner in which issues were sent to be tried from the courts of equity at present. He could not conceive that there could be a greater error than to enunciate the doctrine that it was not consistent with the principles of English jurisprudence to set up distinct courts for the purpose of dealing with distinct classes of questions. On the contrary, they found the Queen's Bench dealing with a particular description of cases arising out of criminal law, the Court of Exchequer took cognizance of all revenue cases, and the Common Pleas had a distinct branch of jurisprudence intrusted to its jurisdiction. He thought, therefore, that the proper course was to remit questions relating to the validity of wills and the granting of administration to a separate and distinct tribunal, and he considered that, such a principle being admitted, the court so established should have complete and exclusive jurisdiction over the matters which came within its cognizance. He did not dispute that in the Colonies, where the community was much smaller, it might be necessary to have one court to take cognizance of all these matters; but he contended that in a large and highly civilized society, such as existed in Great Britain, the same advantage would be found from the division of labour in the administration of justice as was apparent in everything else.

Mr. DUNLOP observed, that at the time of the Reformation all the Ecclesiastical Courts in Scotland were abolished, and a Central Court of Probate was established in Edinburgh, with provincial Commissioners. About thirty years ago these district Commissioners were merged in the sheriffs of counties, whose duties were somewhat analogous to those of County Court Judges in this country, and the jurisdiction of the Central Court of Probate was transferred to the Court of Session. He only wished to state that, under this arrangement, no difficulty had been experienced in dealing with the business relating to the administration of wills in Scotland, but he was unable to judge whether the business of the common law courts in this country would preclude their undertaking similar duties.

The ATTORNEY GENERAL said, it was his desire to speak as little as possible while the Bill was passing through Committee, but it would hardly be courteous to his hon. and learned Friend if he permitted his Amendment to pass without a few observations. The object of his hon. and learned Friend's Amendment was to commit the testamentary business of the country to the Superior Courts at Westminster Hall, where it would be transacted by the fifteen Judges. Hon. Members must, however, be perfectly aware that, in consequence of the peculiarities of the law relating to this subject, it was necessary that it should be administered by persons possessing great experience and a thorough knowledge of the mode in which the business had hitherto been transacted. With regard to the observations of the hon. Gentleman who last addressed the Committee, he probably had the law of Scotland in his mind, but the law of that country was very different in this respect to the laws of England. Many hon. Members were doubtless aware, that in Scotland every document, however informal, purporting to be a will of personal estate, might be at once admitted to confirmation, and that consequently little care or legal skill was required in receiving such instruments and giving them confirmation. In the first year of the reign of Her present Majesty a statute was passed which effected a great improvement in the previously existing law of England with reference to wills. That statute rendered it necessary that a great amount of care, and even of legal skill, should be applied to such instruments before they were admitted to probate. He had been surprised to hear an hon. and learned Friend of his express an opinion that the whole business of proving a will was really a work of supererogation. Hon. Gentlemen must remember that when a man died it was necessary to constitute a representative to distribute his estates, in order to prevent a scramble for the property. Who that representative should be was determined according to the tenor of the will itself if the testator left directions on that point; but if not, it must be determined by certain rules of practice. In a great variety of cases, no doubt, there was no contest, but as persons were permitted to make their own wills, instruments of the most irregular and imperfect character were constantly brought forward for proof. Those documents frequently contained obliterations, erasions, interlineations, and alterations; it was often difficult to ascertain whether such changes were intended to be final, or what was technically termed deliberative; and very close investigation of a large proportion of the 25,000 wills which were annually proved, was necessary in order to arrive at a satisfactory conclusion as to whether the requirements of the Statute of Wills had been complied with. The duty of making this investigation, which devolved upon the Judges, was most onerous and important, for, if a will which ultimately turned out not to satisfy the statute was admitted to probate, or if it should prove that a previous will was in existence, the consequences might be most calamitous. If probate was granted to the wrong will, the person constituted representative of the deceased might go to the Bank of England, or to any public company, and possess himself of stock or personal property to a large amount; and if such instrument should subsequently turn out to be invalid, the new representative might call upon the Bank or the company to pay a second time the sum which they had paid to the alleged representative of the testator. The business, therefore, of ascertaining what wills ought or ought not to be admitted to probate, when exercised with regard to the whole of this kingdom, required considerable time and care, and could only be duly performed by practised and experienced persons. He did not think it possible that such a duty could be discharged by the fifteen Judges. If it were thrown upon them it could only be performed in chambers; the consequence would probably be that one Judge would apply a rule to a particular set of cases, while the next day another Judge might lay down a precisely contrary regulation, and the most destructive discrepancies would thus arise. He considered, therefore, that the business ought to be committed to one court, where it would be governed by uniform rules. In addition to this he had just received a communication from the Lord Chief Justice, stating that it would be physically impossible for the common law Judges to undertake the discharge of this business, whether of the common form business merely or of the contentious jurisdiction. The Report just received from the Commission appointed to inquire into this subject, and which would be published in a few days, also showed that it would be impossible to add to the duties of the common law Judges without injuriously affecting the interests of the country. In order to get some notion of the amount of common form business, he had caused inquiry to be made, and he found that in two days during the ordinary business transacted in the Prerogative Court of Canterbury, fourteen documents regarding wills were reserved for the personal examination of the Judge, in addition to the business which the Judge performed in court. The Committee would therefore see how much time must be devoted to the business of the court when the testamentary business, not of the province of Canterbury only, but of the whole country, was submitted to one Judge, more especially if the Judge were also to be the Judge of the Court of Marriage and Divorce. It would, at all events, be absolutely necessary to have a distinct tribunal, and a Judge of the highest order of mind to preside over it. His regret was that the powers to be given to this court were not larger than those proposed to be given by the Bill. It was thought desirable, however, to follow as closely as possible the recommendations contained in the Report of the Commissioners, but he concurred in the recommendations expressed by many of his hon. and learned Friends, that the Judge of the new court should have the power of deciding issues when they arose within the jurisdiction of his court, and when they might be conveniently tried before the Judge. It would probably happen that, instead of having issues sent to a jury, the parties would often be wise enough to request the Judge to try the cause, and himself discharge the functions of a jury. It was, in fact, impossible to comprehend all the various duties that the Judge might have to perform, and instead of being open to the imputation of having nothing to do, his apprehension rather was, that if the Judge of the Court of Probate also became Judge of the Court of Marriage and Divorce, his time would not be adequate to the discharge of all these duties. He proposed to give the Judge a power of trying all the issues that arose in his court, but if it were found that these issues could be more conveniently tried in the country, or if the time of the Judge were so occupied that he could not try them, he would have the power of sending them to a common law tribunal. As it was proposed that the Judge of the new court should sit in Westminster Hall, where he might have the assistance of the most competent members of the common law bar, there was no reason why the Judge should not try all the issues that came before him. He (the Attorney General) would not enter into the various questions which the Bill might give rise to, but he hoped to be able to give such explanations on each clause, as to satisfy the Committee that the Bill had been framed with care and caution.

MR. COLLIER said, he was gratified to find that the hon. and learned Member for West Suffolk (Sir F. Kelly) concurred with him in thinking that the courts of common law were the best possible tribunals for the exercise of this jurisdiction, and he hoped that at some future time the House might legislate in this direction. He did not share in the apprehension of the hon. and learned Attorney General, to the effect that the common law Judges could not deal with questions of this kind without giving rise to conflicting decisions. No one could doubt their ability to do so, and he thought that by arrangement among themselves they might so simplify the business of the courts that no inconvenience would result from giving them this additional jurisdiction. In the face, however, of the statement made by the Attorney General, that it was the opinion of the Lord Chief Justice of England that he could not deal satisfactorily with this excess of business, he would not press his Amendment. He would not allow his own peculiar views upon a particular point to stand in the way of the final settlement of this question, which was so devoutly desired by the country at large; and, therefore, as it was now determined there should be a Court of Probate, he would devote his attention to making that court as perfect as possible.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clauses 3 and 4 were also *agreed to.*

Clause 5.

MR. M'MAHON said, the clause enacted that the Judge should be an advocate of ten years' or a barrister of fifteen years' standing. He did not see why the barrister should be of five years' longer standing than the advocate.

SIR FITZROY KELLY said, that the usual qualification for a Judge of the Superior Courts of Westminster was that he should be a barrister of fifteen years' standing, and for a Judge of the Ecclesiastical Courts that he should be an advocate of ten years' standing. The clause was, therefore, in strict conformity with usage. He wished to express his gratification at the speech of the Attorney General, as he thought the Committee very much indebted to the Lord Chancellor and to his hon. and learned Friend for having brought the Bill into such a shape as would, he thought, ensure its passing into a law during the present Session. He would suggest the omission of the proviso to this clause.

THE ATTORNEY GENERAL said, he was willing to omit the last three lines of the clause. It was possible that the right hon. Gentleman who was now Judge of the Prerogative Court of Canterbury might not desire to accept the new office of Judge of the Court of Probate. It would be a great good if he did, but the clause, as it stood, laid an imperative obligation upon him to be the first Judge of the Court of Probate.

SIR FITZROY KELLY observed, that the omission of the proviso would by no means preclude the Government, if they thought fit, from appointing the learned gentleman who now occupied the position of Judge of the Prerogative Court to a similar position in the new tribunal if he should be disposed to accept that office. He might be permitted to add that no person could be better entitled by his many eminent qualities and by his experience to such an appointment.

MR. MALINS said, he wished to express his entire concurrence in the last observation of his hon. and learned Friend, but at the same time he would observe that the effect of leaving out the proviso would be to remove that learned gentleman, because, on the passing of the Bill, the Prerogative Court would cease to exist altogether; the learned Judge would be out of office, and it would be entirely optional as to whether the Government would reappoint him. He thought that there ought to be a proviso in the Bill that the present Judge of the Prerogative Court should be the first Judge of the new Probate Court, providing he should be willing to accept such office.

MR. AYRTON urged upon the Committee the propriety of making the compensation which might be granted to the Judge of the Prerogative Court for the abolition of his present office of a conditional character. He did not see why such compensation should be granted to him if he were to decline to preside over the new court, the duties of which, from his previous experience, he must be peculiarly competent to discharge.

The Motion for the omission of the proviso, as well as the clause itself, was then *agreed to.*

Clause 6.

MR. W. N. HODGSON said, he wished to ask whether it was the intention of the Attorney General, before the Bill passed through Committee, to lay upon the table of the House the scale of fees to be established in the new court, of the salaries of its officers, and of the annual expenditure connected with its working?

MR. CHAIRMAN said, that as the clause did not relate to the payment of fees or salaries, that was not the fitting time to raise any discussion as to the pecuniary provisions of the Bill.

Clause *agreed to;* as were also Clauses 7 and 8.

Clause 9 (Transfer of the jurisdiction of the Admiralty Court to the new Court of Probate).

MR. ADAMS said, he wished to ask the hon. and learned Attorney General whether he had considered the effect of this clause, and had finally made up his mind upon it. If so, it would be hopeless for him (Mr. Adams) to move any Amendment upon it. Still he must repeat the objection to the contemplated transfer, which he had urged upon the second reading of the Bill. The objection to it which he then entertained he still continued to hold. He could see no analogy between a jurisdiction which involved the decision of facts connected with disputed wills, and one which dealt exclusively with questions relating to shipping. The Judge of the Court of Admiralty, he might add, frequently found it expedient to call to his aid two of the Elder Brethren of the Trinity House, in order that they might, by their more practical knowledge, throw light upon the cases which came before him, and he (Mr. Adams) could not help thinking that those cases could be still more satisfactorily dealt with by a jury of nautical men conversant with our trade and shipping than by the Judges of the Admiralty Court, even with the advantage which the assistance of those Elder Brethren afforded. The hon. and learned Gentleman the Attorney General had remarked that the new Court of Probate would be rather over than under worked. Now, he (Mr. Adams) should, under those circumstances, venture to suggest that the Judges of the Superior Courts at Westminster — although they might not have sufficient time at their disposal to deal with the entire probate business of the country — would be enabled at least to discharge that portion of the duties of the new Court which it was proposed to transfer to it from the Court of Admiralty. Thus a better tribunal for the performance of those duties would be secured, while the Judge of the Probate Court, who it was said was likely to be overworked, would be relieved from some of the business which the Bill sought to place under his jurisdiction. He might also be allowed to remark in reference to another point that, while he by no means meant to argue in favour of the continuance of the Diocesan Courts as at present established, he was of opinion that the Bill should enable the registrars of those Courts to grant probate to any amount in the country districts in cases where there was no contention, instead of that amount being limited to £1,500. If that course were taken, the public would be saved the additional expense of resorting to a central tribunal in London, and the claim of the registrars themselves to compensation being disposed of to an extent corresponding with the business still left in their hands. Those points, but especially that to which he had first adverted, he ventured to press upon the notice of the Attorney General, and he trusted that by acceding to his views in the matter the hon. and learned Gentleman would add another claim to the character of a law reformer, to which he was so well entitled.

MR. W. WILLIAMS said, that the hon. and learned Gentleman need not be afraid that the excess of business would render the new Court of Probate unable to discharge its duties, for the business transacted by the Admiralty Judges was so insignificant that it scarcely deserved mentioning. He spoke of their ordinary business, because he admitted that in the late war their duties were considerably increased. In times of peace, however, it was so slight that he considered it was monstrous there should be a special court for its transaction.

THE ATTORNEY GENERAL said, the clause was only permissive, and did not in the smallest degree direct anything to be done. Neither did it point out the manner in which the functions of the two Courts should be discharged after the amalgamation had taken place. The amalgamation, indeed, could only be accomplished by an Act of Parliament, and he trusted a Bill for that purpose would be prepared and brought in during the next Session, when the hon. and learned Gentleman the Member for Boston (Mr. Adams) might avail himself of the opportunity of proposing any Amendments to it which he might think necessary. Undoubtedly, he (the Attorney General) had satisfied himself that there were some duties belonging to the Court of Admiralty and the proposed Court of Probate which would be best discharged by a single Judge; but when the present Bill had passed the office of Judge of the Court of Probate would assume quite a different character, for he would be then in reality a Judge of common law, aided in the discharge of his functions by a jury, and therefore in every respect a proper recipient of the office of the Judge of the Court of Admiralty whenever it might devolve upon him.

MR. ATHERTON said, he wished to correct an error into which the hon. Gentleman the Member for Lambeth had fallen with respect to the extent of the duties performed by the Judge of the Admiralty Court. It was well known to the profession that there was not a more active, painstaking, or intelligent Judge, in the country, than the right hon. Gentleman who at present filled that office, and yet the business which came before him was sufficient to employ him during a period in the year as long as that in which any Judge of any of the courts of law or equity was occupied, while the way in which the functions of his court were discharged was such as might well make it the envy of any other court in the kingdom. The Court of Admiralty had a peculiar jurisdiction—the jurisdiction *in rem.*, which the courts of common law would find it difficult to administer. They had at present more business than they could discharge; and, if the Admiralty jurisdiction were transferred to them, it would be the last straw on the camel's back.

MR. W. WILLIAMS said, that when the present Judge was appointed, he (Mr. Williams) moved for a Return of the average number of days, and of the average number of hours in each day, on which his predecessor had sat for many years before his death, and his impression was that the number of days was twenty-one, and five hours each day.

SIR FITZROY KELLY said, the hon. Gentleman should have included in the return the number of days which the Judge of the Admiralty Court sat in the Privy Council. He (Sir Fitzroy Kelly) did not in the least object to the present clause, and the less so as he learnt from the Attorney General that he contemplated future legislation before the proposed amalgamation could come into operation. When, however, the subject came again to be considered, he hoped the House would pause before it transferred the jurisdiction of the Court of Admiralty to a court of common law. It was true that suits of the same character were tried in both courts, but there were great and essential differences in their modes of proceeding. The Court of Admiralty possessed a jurisdiction *in rem.*, by which justice was often more effectually done between the parties than in a court of common law, especially in cases where a foreigner was one of the litigating parties; and he hoped if the transfer took place it would be a complete one, so as to preserve intact, though under different auspices, that jurisdiction of the Court of Admiralty by which, as at present constituted, it so admirably administered justice between man and man. In a case of collision tried in the common law courts, if it could be proved that the plaintiff was at all in fault, the verdict went for the defendant, but in the Court of Admiralty justice was done to both parties.

Clause *agreed to.*

Clause 10 (provides for the establishment of district registries).

SIR ERSKINE PERRY said, he rose to propose an Amendment, the object of which was to establish district courts, to be presided over by the County Court Judge in all County Court districts, except those of the metropolis. He said he had received many applications from people in the country deeply alive to the change in the law which this Bill would effect, and suggesting that the jurisdiction given by it to the County Courts should be a little more direct than the Bill proposed to make it. The Bill itself was founded on the Report of a Royal Commission, composed of Judges accustomed only to complicated cases, and when they made their Report, the question of giving jurisdiction to the County Courts was summarily disposed of by them, on the ground that those courts had then no machinery requisite for the purpose. It had been, however, since found expedient, that jurisdiction should, to a certain extent, be given to the County Courts. What he desired to introduce into the Bill was quite in accordance with the Report of the Commission. He did not wish to increase the jurisdiction of the County Court Judges, but what he proposed was to associate with those Judges a registrar in those matters in which they already had jurisdiction. At present in Devonshire, the county with which he was politically connected, there were ten local courts in which probate might be obtained, while the Bill before the Committee, as it was at present framed, would reduce that number to two, held in Exeter and Bodmin; and the result would be that in cases where the sum to be administered was under £200 the matter would be referred back to the County Court, and by cases being bandied about from one tribunal to another great expense and inconvenience would be incurred. What he proposed, therefore, to remedy that evil was that, instead of establishing a local registrar in each district, a registrar should be attached to each County Court circuit, who would be, not only an officer of the County Court, but also an officer of the central court in London, and who in any contentious case would be able to assist the Judge as regarded all matters of nicety. By the present Bill forty-one registrars would be appointed, and if his proposal were acceded to the number would only be increased to fifty-one. He hoped that the House would be induced to assent to his proposal, which he was convinced would be advantageous, both in point of economy and of convenience to the suitors, and which did not in any way infringe upon the principle of the old officers being transferred to positions under the new jurisdiction. He would, therefore, conclude by moving to leave out after "established" and insert "district courts to be presided over by the County Court Judge in all County Court districts except those of the metropolis (Nos. 40, 41, 42, 43, 44, 45, 47, and 48), and a public registry shall be attached to each court, the registrar whereof shall be under the control of the Court of Probate."

MR. ATHERTON said, he would support the Amendment. It would be a great hardship to compel those, whom death had deprived of their friends, to undertake long and expensive journeys for the transaction of business which might be satisfactorily despatched by tribunals already established in their immediate neighbourhoods for the administration of justice among the poorer classes of the community. By one of the clauses of the Bill the "contentious" business under a given amount was to be transferred to the Judges of the County Courts, and it could not reasonably be contended, therefore, that the "common form" business could not be conveniently disposed of by the registrars attached to the same courts. If the Judges of the County Courts,—men with an exclusive common law training, who never came within scent of Doctors' Commons—were admitted to be competent to the despatch of the more difficult "contentious" business, he would like to know upon what ground it could be maintained that the officers next below them in education and professional attainments would not be as competent to the transaction of the merely formal "common form" business.

MR. COLLIER said, that the Amendment of the hon. and learned Member for Devonport (Sir E. Perry) raised a very important question. According to the Bill as it now stood the County Court districts were established for the purpose of exercising a contentious jurisdiction in the country, while another set of districts, which were substantially the diocesan districts, were established for the purpose of dealing with non-contentious business. He held it to be entirely wrong that there should be two sets of districts for the purpose of exercising a local jurisdiction. In the Bill of last year the diocesan districts were adopted as those which ought to exercise the local jurisdiction; but during the progress of the measure the County Court districts were substituted. He thought it extremely important that they should adhere to that Amendment. The diocesan districts were antiquated and inconvenient, whereas the County Court districts had been recently settled in accordance with the Report of a Commission which had made inquiries with respect to the position of towns, roads, railways, and other circumstances relating to the public convenience. In the event of the Attorney General agreeing to alter Schedule A, so as to put it in conformity with the arrangement of last year, by which the County Court districts were adopted, he would advise his hon. and learned Friend the Member for Devonport to withdraw his Amendment; otherwise, so strongly impressed was he with the desirability of adhering to the County Court districts for the local administration of justice, he would support the proposition of his hon. and learned Friend, suggesting a slight alteration in its terms.

MR. BECKETT DENISON said, he could not support the Amendment, as he preferred the clause as it stood at present. As one of the Members for Yorkshire, he would be content to see York inserted in the schedule as the central place for proving wills, no district being mentioned at all.

THE ATTORNEY GENERAL said, that some alteration might be necessary in the principal places mentioned in the schedule, but he could not listen for a moment to the proposal of the hon. and learned Member for Devonport (Sir E. Perry). As far as the argument from convenience was concerned, he would remind the Committee, that the convenience of persons dwelling in the country was in a great measure determined by use and wont, and he could not see how it would be promoted by compelling them to go to different places for the purpose of proving wills from those to which they had been in the habit of resorting. In his opinion, it was highly desirable that the present Bill should be founded as far as possible upon the existing order of things. Accordingly, the districts had been so arranged as to preserve the office of the registrar wherever it now existed, and by that means he hoped not only to keep the business in the channels in which it had hitherto been accustomed to flow, but to prevent the necessity of awarding compensation in a large number of cases which would otherwise have to be submitted to the consideration of the House. The hon. and learned Member for Devonport, however, desired to abolish the diocesan districts, to take away the existing registrars, and impose upon the people in the country the necessity of travelling about with the County Court Judges. A County Court Judge went to a variety of places; his registrar accompanied him, and yet that officer, as far as he could understand the Amendment of the hon. and learned Member for Devonport, was to be the person who should receive the necessary papers for the proving of wills in common form where the personal estate did not exceed £1,500. The Bill proposed to put the business in the hands of experienced men, conversant with the duties which they would be called upon to perform. It also provided securities for the proper conduct of that business by requiring them to communicate with the Judge of the Probate Court in London, and he should regret to see it transferred to persons whose previous occupation had been altogether of a different kind, who had quite enough to do in their present offices, and who were itinerant with the Judges to whom they were attached. He was afraid that he did not clearly understand the Amendment. It proposed that the district court should be presided over by the County Court Judge. Was the County Court Judge to prove wills? Such was not the proposition of the hon. and learned Member, but if the registrar was to transact the business, what was meant by the words that the district court should be presided over by the County Court Judge? The Amendment would destroy the arrangement proposed to be made by this measure, and would introduce such confusion that the Bill would become discordant and inconsistent with itself.

Mr. COLLIER said, that all he contended for was, that the registrars should be attached to the County Courts, instead of the diocesan districts, and nothing he had heard from the hon. and learned Attorney General had tended to change his opinion. Still he thought that it would be more convenient to discuss that question upon the consideration of the schedule, and therefore he recommended his hon. and learned Friend to withdraw his Amendment for the present.

Sir ERSKINE PERRY said, in reply, that he was not surprised that the Attorney General should object to his Amendment; but he quite misunderstood its object, for he (Sir E. Perry) would never have proposed it had it been calculated to produce the effects which were attributed to it by the hon. and learned Gentleman. He never proposed that the registrar should travel about with the Judge of the County Court, or be the person for granting probate. The hon. and learned Gentleman also objected to his Amendment on the ground that, instead of attaching these registrars to diocesan districts, he proposed to attach them to the County Courts; but what he really suggested was to the effect that while the Attorney General proposed to appoint forty-one registrars, he (Sir E. Perry) proposed fifty-one, who should be located in the most central spot in their districts, and not travelling about with the Judge. The principle of his Amendment was, that justice be provided for the poor as near their own doors, and at as cheap a rate, as possible; and the best mode of fulfilling those objects would be by giving the jurisdiction to the County Court Judge, and having a registrar attached to the district of his court. He could scarcely, however, hope for sufficient support to push his Amendment, and, under the circumstances, he thought the best course he could adopt would be to withdraw it.

Mr. CROSSLEY said, he would suggest that Wakefield instead of York should be taken as the seat of the chief registry for Yorkshire.

Amendment, by leave, *withdrawn*, and clause *agreed to;* as was also Clause 11.

Clause 12.

Mr. ROLT suggested the consolidation of the 12th and 13th clauses, so that there might be one general clause in reference to clerks and subordinate officers.

THE ATTORNEY GENERAL said, he must oppose the consolidation, on the ground of the disparity in the nature of the employment of the officers named in the two clauses.

Clause *agreed to.*

Clause 13 (Clerks and Officers in the Prerogative Court shall be transferred to like offices in the Court of Probate).

MR. DIVETT said, he begged to move as an Amendment, after the word "court" to insert "and all managing clerks who have been continuously employed in any diocesan court for fifteen years and upwards immediately before the passing of this Act."

THE ATTORNEY GENERAL said, that there was no class of persons for whom he felt greater sympathy than for the managing clerks and those who filled subordinate offices, but he did not think that this was a convenient time to deal with their case, which might—although he must not be considered as giving any pledge or promise—be considered in another part of the Bill. He was almost afraid that the words were sufficiently large to comprise the managing clerks of proctors who practised in these courts, and, of course, it would be impossible to accede to such a proposition. The clerks designated by the Amendment were persons filling what might be called, without offence to them, a species of menial capacity—they were the servants of persons themselves holding offices in the courts, whereas the clerks designated in the clause were of an entirely different character. Under that name they discharged duties assigned to them in the constitution of the court, and not under the direction of any masters.

MR. DIVETT said, he was only anxious that the persons who now discharged these duties should not be thrown aside and have other persons appointed in their places in the new court, and if the Attorney General would consent to take their case into consideration in another part of the Bill, he would not press his Amendment.

THE ATTORNEY GENERAL said, that there was no fear but that in the arrangement of the new districts those persons who had filled corresponding offices in the old system would be the first to be appointed to the new offices.

SIR FITZROY KELLY said, he had no doubt that these managing clerks would be maintained in their employments. The district registrars of course could not perform their duties without the assistance of clerks, and it could scarcely be supposed that they would not retain the persons who had been so useful in that position.

MR. ROLT hoped that this clause was meant to include those persons who discharged duties in the present courts not for themselves, but as the deputies of those whose offices were sinecures.

THE ATTORNEY GENERAL said, that these persons were undoubtedly included in the clause.

Amendment, by leave, *withdrawn.*

THE ATTORNEY GENERAL said, it would be necessary to alter that part of this clause which gave power to the Judge of the new court to make these appointments. All these appointments must be made preparatory to the new court entering upon its duties; but the Judge of the new court in reality might not be in existence at the time. The old court must continue to discharge its functions until the very moment before the new court came into operation, and the present Judge might possibly decline to accept the office of Judge of the new court, so that at the time when it was absolutely necessary that these arrangements should be made, the functionary by whom alone they could be made according to the clause might not be in existence. He proposed, therefore, in the place of "the Judge," in line 14, to insert the words "the Lord Chancellor."

MR. HENLEY said, it was of great importance to the working of the new system that the Judge should have the fullest confidence in all the functionaries under him, and he hoped the Amendment, which had come upon them rather suddenly, would be well considered before it was finally adopted.

MR. ROLT observed, that he thought the Lord Chancellor, to whom, of course, every one would give credit for desiring to make the best appointments, could not possibly have the same means of judging as to the fitness of the persons to be appointed as the Judge of the court.

THE ATTORNEY GENERAL said, that the Lord Chancellor would much prefer that the Judge should have the appointment of these officers, but it was utterly impossible, as he had already explained, so to arrange the machinery of the Bill. All these appointments must be made before the new Judge took office, but he could assure the Committee that the Lord Chancellor, as soon as the new Judge had been selected, would in every respect take the opinion and consult the wishes of that gentleman, whoever he might be.

Amendment *agreed to.*

Clause, as amended, *ordered* to stand part of the Bill, as was also Clause 14.

Clause 15 (provides for appointment to offices and for fees).

MR. MALINS moved, as an Amendment, the omission of certain words, with the view of inserting others, to provide that the remuneration given to registrars and other officers should be by salary, instead of fees. It seemed to be an infringement of the principle now generally acted upon to introduce the principle of remuneration by fees into the Bill. The district registrars were to be persons who were to give their whole time to the discharge of this business, and therefore they ought to receive salaries.

THE ATTORNEY GENERAL said, he objected to the Amendment, which would have the effect of giving to a registrar who had a great deal to do, the same remuneration as one who had much less to do. He was desirous of securing the close personal attention of the officers to their duties, and the way to secure that was to pay them by fees proportioned to the duties they performed.

MR. ROEBUCK remarked, that he thought that, where a service was imposed upon a man for the benefit of the State, the State should pay him, and not the person who required the service.

MR. MALINS said, the County Court Judges were at first paid by fees, but this was found to be so objectionable that recourse was had to salaries. If they were to act on the principle that every man should be paid for what he did by fees, they would be led back to the system of paying the Lord Chancellor and other high functionaries in that way.

MR. HENLEY observed, that he was favourable to the principle of paying by salary, but in the present case he thought the Government had come to a wise conclusion, for it would be impossible at once to adopt the system under this Bill. After a year or two, when they had experience of the working of the measure, they might adopt the wiser principle of paying by salary, for by that time they would be in a position to fix a proper scale of salaries. But he thought that at present it would be too great a disturbance of the existing practice.

MR. ROEBUCK said, the work might be as hard in a small district as a large one, while the fees would be very different. He also wished to ask on what principle the fees were to be regulated.

THE ATTORNEY GENERAL said, that they would be regulated by the amount of the stamp and the length of the probate. He would observe, however, that, in the first place, the price of the stamp would be regulated by the amount of the estate, a less stamp being required for a small than for a large estate. In the next place, a small estate generally required but a short enumeration of items, whereas in a large estate there was ordinarily a multiplication of trusts, &c., so that the fees would in effect be regulated according to the amount of the property.

MR. BRISCOE could not see why the public should be called upon to pay for the registration of wills, and therefore hoped the Amendment would not be pressed.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clauses 16 to 23 *agreed to.*

Clause 24.

MR. WESTHEAD said, he wished to know whether surrogates who might be appointed Commissioners would have to take affidavits with respect to the probate of wills, which affidavits might be presented at the district courts?

THE ATTORNEY GENERAL said, he could not undertake to say that it might not become requisite, in making the rules and orders for the practice of the Court of Probate, in some way to alter the duties now performed by surrogates; but it would be the desire of those who framed those rules and orders to give those gentlemen, and the clerical surrogates more especially, as full a measure of remunerative employment as they now enjoyed.

MR. BARROW asked whether the Commissioners would have power of administering oaths to, and taking the affidavits of, persons for the purpose of taking out probate, without the necessity of the present expensive application for a special commission for the purpose.

THE ATTORNEY GENERAL said, one of the objects of the clause was to prevent the necessity of those special commissions which were now directed by the Prerogative Court at considerable expense to the parties, and in general orders to be issued powers to that effect would be expressly given them.

MR. STEEL moved an Amendment, after "probate," to insert "provided that in every city, borough, and town throughout England containing not less than 5,000 inhabitants, the Judge shall appoint the registrar of the County Court of the district in which such city, borough, or town is situate, or some other fit and proper person within such city, borough, or town, to be such Commissioner or Commissioners." In the district with which he was connected, which was in the diocese of Carlisle, no surrogates had been appointed.

LORD HOTHAM said, that he was given to understand that there was considerable difference between the duties of the surrogates in the province of York and of those in the province of Canterbury. The duties of the surrogates north of the Trent were now nearly the same as those of proctors in the province of Canterbury. Their emoluments would, therefore, be diminished to a far greater extent by this Bill. What he wished to know was, whether in framing the orders to which the hon. and learned Attorney General had referred, special provision would be made for securing to the surrogates in the province of York the same amount of remunerative employment they now possessed.

THE ATTORNEY GENERAL said, he could not but admit the correctness of the distinction pointed out by the noble Lord, but he could not venture to say that under the general rules and orders the exceptional case of the surrogates of York would be treated in such a way as to leave the remuneration of those gentlemen as large as at present. He would suggest, however, that the peculiar position of those gentlemen would be better dealt with by a special clause, which could be brought forward at a subsequent period. With regard to the Amendment of the hon. and learned Member for Carlisle (Mr. Steel), he (the Attorney General) thought it unnecessary, as in the clause now under discussion power was given to the Judge to appoint as surrogates such persons as he might think fit.

Amendment, by leave, *withdrawn.*

Clause *agreed to;* as also was Clause 25.

Clause 26 (regulating the Procedure of the Court).

THE ATTORNEY GENERAL said, he had to propose as an Amendment to the clause to leave out the word "procedure" in the first line, the words "all manner of procedure" in the sixteenth line, and then to omit the last four lines of the clause. His great object was to render the practice of the courts as expeditious, as simple, and as economical as possible. It was, however, deemed essential not to abrogate *in toto* the whole of the existing practice, as it would be difficult, in the first instance, to provide by the new rules and orders for every case of contention that might arise. His Amendments were framed to meet the contingency, and the clause would then stand thus—

> "The practice of the Court of Probate shall, except where otherwise provided by this Act, or by the Rules or Orders to be from time to time made under this Act, be, so far as the circumstances of the case will admit, according to the present form and manner of the Prerogative Court."

SIR FITZROY KELLY was understood to accept the Amendment, and at the same time to express a decided conviction that the pleadings of the new court would be very much more simplified and more expeditious than those of the old court.

MR. BOWYER said, he would move to amend the clause by striking out the words "so far as the circumstances of the case will admit." He thought the effect of these words were loose and dangerous, and would place the whole practice of the court in the hands of the Judge.

THE ATTORNEY GENERAL assured the hon. and learned Member that these words would have precisely the opposite effect. The probability was that a great number of cases would arise which could not be provided for except by recurrence to the old practice, especially as the Bill would bring into the court many cases of a character different from those which came before the Prerogative Court.

MR. BOWYER said, that the words would apply to all matters to be brought before the court. It would be easy to introduce words restricting the dispensing power to the new cases. With that view he would propose the insertion of the words, "In all matters which do not lie within the jurisdiction of the Prerogative Court."

THE ATTORNEY GENERAL said, he was utterly unable to understand the meaning of the hon. and learned Gentleman's Amendment.

MR. BOWYER: I shall not trouble the Committee by dividing, but I will just state what the effects of my Amendment would be. [*Cries of* "No!"]

Mr. BOWYER's Amendment having been negatived, the Amendments proposed by the ATTORNEY GENERAL were *agreed to.*

Clause, as amended, ordered to stand part of the Bill.

Clause 27 *struck out.*

Clauses 28 to 31 inclusive, *agreed to.*

Clauses 32 and 33 *postponed.*

Clause 34 (Appeal to the House of Lords).

Mr. MALINS said, he would propose to insert the words "Judicial Committee of the Privy Council" in the place of the words "House of Lords." The former court had always given the greatest satisfaction to the public, while the House of Lords as a Court of Appeal was most expensive and dilatory, and although a very decided opinion had been pronounced against it by the House of Commons last year, nothing had yet been done for its improvement.

Amendment proposed, in page 11, line 20, to leave out the words "House of Lords, in order to insert the words "Judicial Committee of Her Majesty's most honourable Privy Council,"—instead thereof.

The ATTORNEY GENERAL said, he fully appreciated the great value of the Judicial Committee of the Privy Council as a Court of Appeal; but there was a reason why it should not be had recourse to in the present instance. If the Bill became law it might happen that questions might arise in the common law courts either the same or of a cognate character with questions which arose before the Court of Probate. Then, the questions arising in the common law courts would be carried to the House of Lords, while those in the Court of Probate would, if the Amendment were agreed to, be carried to the Judicial Committee of the Privy Council. This would lead to considerable inconvenience. No doubt, it was most desirable that one great Court of Appeal should be established, but in the mean time he thought it was not desirable to make the new tribunal an exception with regard to the course of appeal from other courts. He might add that he was sure that any change in this respect would not be acceded to in another place, and he would deprecate any alteration which might lead to anything like a collision between the two Houses of Parliament, and which might thereby endanger the success of the Bill. For these reasons he trusted that the Committee would adhere to the clause as it stood.

Mr. CAIRNS said, he hoped that his hon. and learned Friend the Member for Wallingford would take the opinion of the Committee upon this Amendment. He (Mr. Cairns) thought that it was a matter of great regret that we had two Courts of Appeal in the last resort in this country; but, seeing that there were two such courts, and that they had now the advantage of a choice between them, surely they should select the best. The House of Lords had never yet had anything to do with the appellate jurisdiction in matters of probate. The Judicial Committee had performed its work to the satisfaction of everybody, and he objected to the jurisdiction being taken from it without some reason assigned. He did not see why any objection should be taken in another place to the proposed Amendment, inasmuch as the Bill had been introduced into the House of Lords by the Lord Chancellor with the appeal running to the Privy Council. Fortified, then, by the opinion of the Lord Chancellor, and by an experience of the advantage of appeals to the Privy Council, he should support the Amendment.

The SOLICITOR GENERAL said, that no doubt the appeal at present lay from the Ecclesiastical Court to the Judicial Committee, but at present the Ecclesiastical Court dealt only with personalty, and it dealt with it in a peculiar manner, the procedure being analogous with the procedure of the Judicial Committee of the Privy Council. By the Bill, however, it was proposed that the powers of the Court of Probate should extend to wills of real estate, that the old form of procedure should be abolished, and the new court empowered to try issues of fact before a jury. Consequently all the incidents attendant upon the trial of issues on matters of fact in a common law court would arise in the Court of Probate, and in that state of things it must be apparent that the House of Lords would have an advantage over the Judicial Committee of the Privy Council as a Court of Appeal, because they could summon the common law Judges to their assistance, which the Judicial Committee of the Privy Council could not do. The Committee had decided to approximate the proceedings of the Court of Probate as much as possible to the proceedings of the common law courts, and he said, therefore, that they should allow the appeal to follow in the same direction.

Mr. COLLIER said, that the question was simply this:—They had decided, in point of fact, upon the appointment of a sixteenth common law Judge; should the appeal from fifteen of them be to the House of Lords, and from the sixteenth to the Judicial Committee to the Privy Council? He apprehended that that would be an anomaly which the Committee would not sanction.

MR. BOWYER observed, that the Attorney General, who argued that, because the Court of Probate was to some extent assimilated to a common law court, therefore the appeal should go to the House of Lords, assisted by the Judges of the common law courts, seemed to forget that the Chief Justices of the common law courts and all the Judges of those courts who were Privy Councillors were not merely assistants, but actual members of the Judicial Committee of the Privy Council. His broad objection to the clause as it stood was that, whereas there were always some Judges versed in ecclesiastical law sitting at the Judicial Committee of the Privy Council, there was no Judge of that sort sitting in the House of Lords. The Judicial Committee, with few exceptions, had given the greatest satisfaction, while the House of Lords was one of the worst Courts of Appeal in the world. Two Sessions ago a Committee of the House of Lords themselves reported that the appellate jurisdiction of that House was in an unsatisfactory state, the attempt then made to alter it had failed, and yet nothing since had been done to improve it. Yet it was now proposed to send a new class of appeals to that tribunal. The Judicial Committee of the Privy Council, to which appeals now went from the testamentary courts, sat at all times of the year; and some of the most important cases came on in November and December. If the House of Lords were made the Court of Appeal, it would be shut up for six months, and there would thus be a denial of justice for half the year. They could not reckon on the attendance of many law Lords on appeals in the House of Lords. There was the Lord Chancellor, and Lord Wensleydale had been recently created a Peer for the purpose; but they could not reckon on the regular attendance of Lord St. Leonards and Lord Lyndhurst. In the Judicial Committee there were five Judges regularly attending, besides Sir John Dodson.

MR. ROLT said, that, speaking with some experience, he would venture to assert that the House of Lords was as able, excellent, and distinguished a tribunal for the final hearing of great and important causes as ever sat in any country. That had been its character down to the present time, and great and eminent men sitting in that House had imparted lustre to the administration of the law. He could not concur with the Members who decried it as a Court of Appeal, for nothing had occurred to cast discredit on it except some cases which had been tortured into the basis of an accusation. In reference to the particular question under consideration he conceived that there were inconveniences connected with the Judicial Committee of the Privy Council as a Court of Appeal in reference to the time and mode of hearing causes. It was not always the same tribunal, for one day there might be four members of the Judicial Committee hearing causes, and the next there might be four different members, and sometimes a case was adjourned for two or three weeks. He did not make that statement for the purpose of establishing that the Judicial Committee of the Privy Council was inefficient, for he admitted that any great tribunal would be subject to inconveniences of that kind. In the House of Lords there was no great arrear, and he was not aware that appeals to the ultimate tribunal should be so encouraged as that that tribunal should hear in one week a cause decided only the week before. At present the House of Lords heard in one Session appeals brought forward in the preceding Session, and he did not see that they could desire greater expedition. With regard to the expense of appeals to the two tribunals of the Privy Council and the House of Lords, he was not aware that there was any difference, as the papers were printed in both. The Court of Probate being now constituted a court of record, the appeal was properly to the House of Lords; the cases taken before the Judicial Committee were properly those arising in the Colonies and in courts which were not courts of records. The matter had been fully considered by the Commission, and he hoped the Committee would adhere to the clause as it stood.

MR. HENLEY said, that as one of the Commissioners, he wished to state that the Commission came to the unanimous opinion that the questions arising under the Bill should go, in the way of appeal, to the House of Lords, in preference to the Privy Council. The main reason for that conclusion was this,—that now, for the first time, the landed property of the country was subject to probate. The new Court of Probate was to deal in the same way with real property as with personal property; and it was only fair, therefore, that there should still be an opportunity of appealing to the tribunal of last resort, which now dealt with questions affecting landed property. The Report of the Commissioners was unanimous on this point, and if the Committee went to a division, he must support the appeal as it now stood.

Mr. MALINS said, his only object in making his proposal was, that the Committee might have an opportunity of selecting the best appellate tribunal. He did not see much weight in the argument that, because the Court of Probate was to have jurisdiction for the first time over landed property, the appeal as to landed property ought to continue to lie to the House of Lords. The simple question for the Court of Probate was one of will or no will; and the mode of executing a will, whether it dealt with real or with personal estate, was the same. If the question, for example, related to the capacity of the testator, why should not the same Court of Appeal that decided in a case of personal estate also decide in a case of real estate? The hon. and learned Gentleman (Mr. Rolt), who lauded the House of Lords, was not a Member of Parliament last Session, when the House almost unanimously condemned that assembly as a Court of Appeal. After being put to the great delay and expense of approaching this much-vaunted tribunal of last resort, the suitor found it composed of only two Judges,—a state of things which, with every respect for the Lord Chancellor and Lord Wensleydale, was not, and could not be, satisfactory to the country. If this Court of Appeal was to be retained, why had not the Government taken steps to place it on a better footing? The most important appeals from the Lord Chancellor himself were heard by the Lord Chancellor assisted by one, or at most two, other Judges; whereas the Judicial Committee of Privy Council had always four or five of the most eminent Judges to decide on the questions which came before it, and consequently these anomalies could not exist. It was said that, as appeals from fifteen common law Judges now went to the House of Lords, there could be no reason why appeals from the sixteenth Judge about to be appointed should not go to the same tribunal. But the Judge of the Court of Probate was not to be a common law Judge; and therefore this argument entirely fell to the ground.

The ATTORNEY GENERAL said, he thought nothing could be more unconstitutional, or more opposed to existing rules, than to confer this jurisdiction on the Judicial Committee; nor could anything be more impossible in practice. The Judicial Committee was only created at the expense of the ordinary tribunals of the country, some of which had to be shut up while it was exercising its functions as a Court of Appeal. The Court of Chancery, for example, had then to be closed, and they were also obliged to draw away one or two common law Judges from their other duties. The Judicial Committee, as at present constituted, was inadequate to the discharge of more than it now accomplished. It had not the power of entertaining a single appeal from any common law or equity court in Westminster Hall; and therefore, when they were about to create a court with a jurisdiction partaking both of common law and equity, it would be an anomalous proceeding to send its judgments to an appellate tribunal different from that to which the other courts were subject. They should adhere, then, to the existing rule, and not establish one that would lead to conflicting decisions. If the appellate jurisdiction of the House of Lords required amendment, let them amend it when they saw the prospect of their coming to anything like a unanimous conclusion on that subject. But, at all events, the Committee ought not to countenance the present proposal, which would utterly destroy this Bill, and would impose on the Judicial Committee of Privy Council a jurisdiction over a large class of cases which it could not possibly discharge.

Mr. NAPIER said, that only last week, the Lord Chancellor, Lord Brougham, Lord Wensleydale, and Lord St. Leonards, assisted by the common law Judges, sat to hear appeals in the House of Lords, than which no more efficient or more dignified tribunal could be found in any country in the world. It was said that that House, last Session, almost unanimously condemned the appellate jurisdiction of the Upper Chamber. That was entirely contrary to his own impression of the feeling evinced by the House. Uniformity of decision on questions affecting the property of the country was indispensable, and to secure that object the House of Lords should be their tribunal of last resort.

Mr. MALINS begged leave to withdraw his Amendment.

The Committee, however, would not allow it to be withdrawn.

Question put, "That the words 'House of Lords' stand part of the clause."

The Committee *divided:*—Ayes 271; Noes 27: Majority 244.

On the Question that the clause be *agreed to,*

MR. MALINS said, he wished the Committee distinctly to understand that he greatly regretted they had had the trouble of dividing. He had been desirous of withdrawing his Amendment, and he thought it was not fair that the division should have been forced upon him under the circumstances.

Clause *agreed to,* as were the following Clauses to 39 inclusive.

Clause 40 (Probates and Administration may be granted in common form by the District Registrars in certain cases).

MR. WESTHEAD said, he rose to move the omission of the words after the word "affidavit" in line 30, and the insertion of the following words:—"and such probate or letters of administration shall have effect over the personal estate of the deceased in all parts of England accordingly." The object of his Amendment was to enable executors, or persons taking out letters of administration, to do so in the district court whatever the amount of personalty might be. It was stated that four-fifths of the wills proved in England related to amounts below £1,500, and the limitation proposed would be of great practical inconvenience, while he could not conceive what good reason there could be for debarring testators from obtaining probate of wills to any amount of personalty in the district courts.

Amendment proposed, in page 13, line 30, to leave out from the word "affidavit" to the end of the Clause, in order to insert the words "and such Probate or Letters of Administration shall have effect over the personal estate of the deceased in all parts of England accordingly,"—instead thereof.

MR. CAYLEY said, he should support the Amendment, and would appeal to the right hon. Member for Oxfordshire (Mr. Henley), who was a member of the Commission, to explain upon what ground the limit of £1,500 was adopted. In many instances the machinery in one manufactory might be worth £1,500, and in another worth £2,000, and why should the executor of a man whose machinery was worth the former sum be enabled to take out letters of administration in York, while the executors of a person who possessed machinery worth £2,000 was obliged to come to London. The same observation would apply to household furniture, which in many cases was worth £2,000, £3,000, or £4,000, and in such instances probate could not be obtained in the district court, but the wills must be proved in London. Besides, he had another objection, which was founded on the centralizing nature of the Bill.

MR. HENLEY regretted, that he could not give a satisfactory answer to his hon. Friend's question, for he must honestly say that he was unable to assign any reason for the adoption of the limit of £1,500. He (Mr. Henley) divided in the Commission against the limit of £1,500, and he was in a minority of one. He must say, however, that persons whose opinions were entitled to much greater weight than his (Mr. Henley's) were strongly in favour of adopting a lower limit than £1,500, and in several of the Bills which had been introduced or shadowed out of late years, it was proposed that the powers of proving in country districts should be limited to a much lower sum than £1,500. For his own part, he would have been glad to see the limit extended to £2,000, or even higher; but, as some concession must be made when differences of opinion existed, he would rather have this measure with the limitation to £1,500 than run any risk of its defeat. If, however, those who had charge of the Bill would extend the limit, he believed it would be a boon to the country, for £1,500 would not cover the value of stock upon a great proportion of farms.

MR. MOWBRAY said, he would express a hope that the hon. and learned Attorney General would accede to the suggestion of the right hon. Gentleman, for the only object of the clause seemed to be to take business out of the hands of the proctors in the country, and transfer it to Doctors' Commons. As, however, the clause had reference to "common form" business only, there was necessity for the limit.

MR. ROEBUCK said, he would wish to ascertain from his hon. and learned Friend the Attorney General what reason existed for fixing a limit at all. There was just as much necessity for the employment of officers possessing integrity and intelligence in the granting probates of wills in cases in which the sum involved did not exceed £100 as in those in which it reached £10,000. If, then, the same qualifications were required in the former as in the latter cases, why fix a limit? He saw no good reason why it should be done, while there were many strong arguments against the adoption of such a course. The tendency of the present day was to bring the law home to every man's door, in a cheap and efficient manner, and he should like to know why that which was a sound policy had been departed from in the present instance.

THE ATTORNEY GENERAL said, that the point to which his hon. and learned Friend who had just sat down, as well as the hon. Member who had immediately preceded him, referred, was one which had been the subject of frequent deliberations upon the part of the Commission. That deliberation, he might add, had depended not so much upon the preconceived notions of the members of the Commission as upon the evidence of the very experienced solicitors, and other practitioners who had been examined before them, and all of whom had concurred in representing the great dangers which must attend the unlimited extension of the sum with respect to which probate should be granted in the country districts. He had not been aware that the point would have been pressed so much upon their attention that evening, but since the discussion with reference to it had arisen, he had looked over some passages of the Report of the Commissioners, as well as of the evidence which they had taken, and he found in the Report the following distinct expression of opinion upon the part of the Commissioners:—

> "We think it evident that protection would be best afforded the public by the establishment of a central court in London. The skill and vigilance which are required to guard against fraud and mistakes will be, we think, most certainly possessed by officers in London, under the immediate control of a Judge, to whom they will have an opportunity of applying in any emergency that may arise, and to whom they will be immediately responsible."

Such was the opinion of the Commissioners, and he might remind the Committee that the practical working of the law as it stood, owing to the doctrine of *bona notabilia*, was to bring every cause in which the sum involved exceeded £500 or £600 within the jurisdiction of the Prerogative Court. Now, if probate were granted upon an imperfect will, or to the wrong parties, and an executor or administrator were appointed to take possession immediately of the estate of the testator, and it should be afterwards found that probate had been improperly granted, those persons who might have paid money under its operation would have to pay it over again. The question, therefore, was one in which bankers and public companies, as well as the community at large, were deeply concerned, and the Commissioners, taking these matters into consideration, had concurred in the expediency of a thorough and frequent examination of the documents produced being entered into before probate could with any degree of security be granted. One of the witnesses who had been examined before the Commission — he meant Mr. Trevor, of the Legacy Duty Office, a gentleman of great experience and intelligence—stated, in reply to a question which had been put to him, that, in his opinion, one tribunal for the proof of wills would be found more efficient than a great number, in consequence of the uniformity in dealing with those instruments which it would be calculated to produce. He had gone on to say, that since the passing of the Wills Act, he had known probates of wills to be granted in the diocesan courts in cases in which the document had been obliterated, and in which no inquiry had taken place, as to whether the obliteration had occurred before or after the completion of the will. Such was the nature of the proceedings which were sometimes observable in the diocesan courts as they stood, and he did not therefore think that the Committee would be warranted in assuming that each individual registrar would be competent to exercise over wills that same careful superintendence that would be exercised by the officers successively, through whose hands they must pass in the Court of Probate in London. He might also refer to the evidence of Mr. Shepherd, who had been examined before the Commission, and which went to establish the justice of the view which he had urged upon the Committee. The testimony of men of experience in such matters having then been opposed to the continuance of the power of granting probate to an unlimited extent in the case of the diocesan courts, the Commissioners had come to the conclusion that for the benefit of the country districts, liberty should be given the registrars of those courts to grant probates to some fixed amount, but that that liberty ought to be confined within very narrow limits. His right hon. Friend the Member for Oxfordshire (Mr. Henley) was quite right in stating, that several members of the Commission had been desirous to fix that limit at even a lower sum than £1,500, but it had not been deemed expedient to take that course; while he was of opinion that, as great critical nicety, great care, and a knowledge of law were required in dealing with wills, it was desirable that the district registrars should not be intrusted with the granting of probates in cases in which a larger amount was involved. Some limit must be taken, and, if he was not mistaken, the present limit had been fixed by his right hon. Friend the Member for Oxfordshire, who had stated that, in his opinion, the farmers, whose interests would be affected, would rarely be found to possess *bona notabilia* exceeding the sum of £1,500. [Mr. HENLEY was understood to express his dissent.] He had understood the right hon. Gentleman to have said so, but, be that as it might, he felt perfectly confident that any hon. Gentleman who looked carefully into the evidence which had been taken before the Commissioners, and at their Report, would feel that they had acted wisely in adopting the course which they had pursued. He hoped, therefore, that the Committee would not consent to a proposition, the effect of which would be to subject wills involving large amounts of property to a comparatively insufficient examination.

SIR JOHN TROLLOPE said, the argument of the hon. and learned Gentleman sought to establish the expediency of a strict reliance being placed upon the evidence of the solicitors and other practitioners who had been examined before the Commission. Now, so far as he (Sir J. Trollope) recollected the evidence which had been adduced before that Commission, it had emanated from persons who were connected with the courts in London, and the whole tendency of whose testimony had been in favour of the system of centralization. His own experience went to prove that the business which had been brought under the consideration of the district courts had been most satisfactorily discharged, and he should wish to know from the hon. and learned Gentleman, whether property which did not exceed a sum of £1,500 was not of as much value to the person who possessed it as a larger sum would be to the person whom the hon. and learned Gentleman seemed to take it for granted would, if he were empowered to do so, seek for probate in the district courts. Now, everybody must be well aware that those who had a large amount of property at stake brought their business up to London. He should like, however, to know why the shopkeeper upon one side of the street, who had property involved only to the amount of £1,000 should be enabled to transact his business at a comparatively trifling expense in the district courts, while a farmer upon the other side, because he happened to possess some hundreds more, should be compelled to resort to the central court in London. He thought the reasoning of the hon. and learned Gentleman in support of this view upon the matter was of a character the most unsound. He objected to any limitation at all, and should, therefore, vote in favour of the Amendment.

MR. ROEBUCK said, he thought the statement of the hon. and learned Attorney General was an argument against the whole Bill, rather than in favour of this particular limitation. He seemed to fancy that there must be some essential difference between the will of a rich man and that of a poor man, and that he was now making an experiment *in corpore vili.* The hon. and learned Gentleman appeared to think that a testator dying, and leaving property worth only £1,500, was a person so poor and unworthy, that any inefficient officer might administer his estate—but that a man dying worth a greater amount of property required the exercise of a far higher amount of intelligence in the distribution of his effects. But as the hon. and learned Gentleman had talked of evidence, he (Mr. Roebuck) would ask the Committee to look how these matters were managed in America. There they had local courts of probate, which were regarded as great safeguards of the constitution, and appreciated by the whole population. He believed that to make the law local, and not central, would be to make it beloved by the people, and more efficient for the purposes for which it was instituted; and, as he wished to see law cheap, efficient, and brought home to every man's door, he would therefore support the Amendment.

MR. ROLT said, no doubt the estate of the poor man was entitled to as much protection as the estate of the rich, but a mistake committed in dealing with farming stock was more easily remedied than in dealing with funded property. In the former case, an erroneous probate might be recalled before the property was converted; but in the latter, a day, an hour even, might be sufficient to render the mistake irretrievable. Probate might be granted, through carelessness, mistake, or fraud; and, by virtue thereof, £100,000 in the funds might be transferred before the error could be corrected. It was that consideration, therefore, which had led the Committee to the conclusion that, in cases of larger amount, the granting of probate ought to rest with the more efficient and central court. As to the argument, that parties ought be left to make their own selection, the object here was to prevent those having the choice who had no right to choose.

MR. ROEBUCK said, the hon. and learned Gentleman who last addressed the Committee assumed that all property under the value of £1,500 must necessarily be farming stock, and that all above that sum was money in the funds. He would ask the hon. and learned Gentleman whether a mistake committed in the granting of probate would not be quite as fatal where the money in the funds, which was the subject of it, was below £1,500, as it would be where the sum was £15,000? If they wanted integrity in the administration of an estate above the value of £1,500, he (Mr. Roebuck) contended they wanted it equally with respect to property below that amount. The hon. and learned Gentleman's argument, then, went for nothing.

Question put, "That the words 'and that the personal estate of the deceased' stand part of the Clause."

The Committee *divided*:—Ayes 131; Noes 162: Majority 31.

MR. AYRTON said, after the decision which had just taken place, it seemed to him that, if probates were in any manner to be taken in the country, they must be sent to the central registrar to be checked. In that case the clause must be modified, and he therefore moved that the Chairman should report progress, in order to give time for further consideration.

THE ATTORNEY GENERAL said, the proposition now before the Committee was, that the following words be inserted:—"That such probate, or letter of administration, shall have effect over the personal estate of the deceased in all parts of England accordingly." The practical result of the introduction of these words would be this—that probate granted by the district registrar would extend to personal estate, whether in England, Scotland, or Ireland. One evil thing had been done already. [*Laughter*]. Hon. Gentlemen might laugh, and undoubtedly those who were desirous of destroying the Bill had cause to do so, but the proposition, if adopted, would utterly destroy the Bill, and it would be impossible to persevere with it. Unless the House should come to some better appreciation of the subject on bringing up the Report, it would be impossible to proceed with the measure. He could not consent to the introduction of the words, or anything fatal to the Bill. If the Motion for the introduction of the words was pressed, the sense of the Committee must be again taken upon them, and it was his determination to give the House the opportunity of deciding whether it would have the Bill at all, by expunging that unfortunate decision.

Motion for reporting progress, being, by leave, withdrawn, the question was put, "That those words be there inserted."

The Committee *divided*:—Ayes 141; Noes 139: Majority 2.

House resumed.

Committee report progress; to sit again on *Thursday*.

SUMMARY PROCEEDINGS BEFORE JUSTICES OF THE PEACE BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1 (Justices, on application of a party aggrieved, to state a case for the opinion of a Superior Court).

MR. HENLEY said, he wished to inquire who was to pay the costs of rearguing a case before the Superior Courts at Westminster. He did not think that justices of the peace were of themselves competent to frame cases to be argued before the Superior Courts. Moreover, he thought that the appeals under the Act would throw a great increase of business on the Superior Courts, with regard to which it had been already stated that evening, that they were sufficiently occupied.

THE SOLICITOR GENERAL said, that appeals would only take place in the exceptional cases in which difficult points of law were involved, and in which parties might think it worth while to dispute the legality of the decisions of magistrates; and the party appealing would be required to enter into a recognizance conditioned to pay all the costs consequent upon the appeal.

MR. HENLEY said, he would beg to remind the hon. and learned Gentleman that there were many cases in which the complainant would not take the matter before the Court of Queen's Bench.

THE SOLICITOR GENERAL thought that it was not likely that there would arise a case in which the defendant would appeal, and the complainant would not think it worth his while to defend it.

MR. HARDY observed, he was anxious to know what the particular evils were which this clause was intended to remedy? The defect of this Bill was that they were bringing before the courts questions of law which might arise before the justices, and yet they did not provide the proper means for doing so. It appeared to him that no case was shown why this clause was necessary.

MR. NAPIER said, he would confess that the Bill, as far as it went, was a good Bill. The proceedings by *certiorari* were most circuitous and inconvenient. The magistrates who had the power of disposing of the questions before them, would be able to say whether there were any grounds for an appeal. Although the Bill did not meet the whole case, so far as it went it had his hearty consent. He hoped that it would be extended to Ireland.

MR. J. D. FITZGERALD said, that he had considered this Bill carefully, and he so highly approved of it, that he was prepared to support the Amendment to extend it to Ireland. The Court of Quarter Sessions was admitted to be a bad tribunal for determining questions of law. The Bill, therefore, provided that such questions should be tried before a more competent court.

MR. HENLEY said, he did not think it fair that they should cast upon the justices, who were acting in the matter without any pay, the expense of taking those questions before a higher tribunal. It was a very harsh proceeding to impose such a burden upon the magistrate, who had not the slightest personal interest in the matter, and drag him up to town at an expense of some £10 or £20. The Bill did not provide the proper machinery for carrying out the appeal. He would suggest that the cases ought to go through the Home Office.

MR. MASSEY said, practically, there was not at present the means of reversing the decisions of a magistrate on a point of law. The right hon. Gentleman said it was hard to throw upon the magistrate the expense of referring these cases to a higher tribunal, but the party he thought most to be considered was the convicted or injured individuals. That appeared to him to be an inconvenience so unimportant compared with the interests of the party aggrieved by the magisterial decision, that he thought it was scarcely worthy to be taken into consideration. He did not believe that there was any danger of this remedy being abused. A certain amount of expense must be incurred by the party applying for an appeal, which he thought would be in itself a sufficient safeguard against any improper or vexatious proceedings in that direction.

MR. HENLEY said, that the Home Office were the natural protectors of the magistracy, and they had no right to put the latter to the expense of the proceedings on appeal. Let them carry the case up to the House of Lords if they liked, but they had no right to call upon them to pay the expenses of rearguing cases before another tribunal. If a magistrate was wrong either in fact or law, it would be equally a case of injustice to subject gentlemen who were working for nothing to this expense.

MR. NAPIER said, the right hon. Gentleman had misapprehended him. In most cases there were two parties to the question, and those two parties alone would be necessary to be represented before the court. It was for the magistrate to grant the appeal, but he was not bound to follow up the case and go to the expense of supporting his decision in a superior court.

MR. NEWDEGATE said, that it was obvious that there was no provision to make both parties follow up the appeal, and if the magistrate refused to allow an appeal he would be liable to the imputation of being a shabby fellow who was afraid to allow an appeal because of the expense.

SIR GEORGE GREY said, that the same thing might be said of appeals from the Court of Quarter Session. It was his opinion that they could not give the magistrates a large increase of jurisdiction unless an appeal was allowed, nor did he think when one or two cases had been decided, that the appeals would be so numerous as was apprehended. He could mention a case in which a person had been convicted, and sent to prison for a trifling assault. It certainly seemed to him a case for an appeal, but no means were given to the prisoner to carry it out under the present law.

MR. HILDYARD said, that no answer had been given to the question so repeatedly asked as to what would be the position of a magistrate when a question of law was raised. He believed the effect of this Act would be that magistrates would be harassed by unscrupulous attorneys and dragged into the Superior Courts, when, even if the judgment was affirmed, the magistrates would be saddled with heavy expenses. If they gave a power of appeal they ought to make a provision for the expense.

THE SOLICITOR GENERAL said, the impression seemed to be that the expense was to come out of the private pockets of the magistrate, whereas, in the first instance, it was in his power to refuse a frivolous appeal; and, secondly, all the magistrate would have to do would be to write down on a piece of paper the point of law on which he had based his conviction, hand it to the party applying for it, who would be bound under recognizances to pay all the costs of the appeal, and the appeal would be decided on that case, the only thing being that if the point of law was wrongly stated it might be sent back. The magistrate might go to the expense of arguing the case or not, at his pleasure. In all the cases that would be decided by the Act there would really be two substantial parties—namely, the complainant and the person convicted. He did not see in this Bill any of the evil consequences imagined by hon. Gentlemen opposite.

MR. HENLEY said, it would be a perfect fallacy for a magistrate to sit down and write a case for himself. Not one would venture to do it, especially when the defendant had the privilege of choosing his own court. He thought that the Home Office ought to bear all the expenses of the appeal.

MR. HILDYARD said, he wished to point out that the fifth clause gave power to the court to grant such costs as it might think fit, and therefore it gave power to grant costs against magistrates.

MR. MILES said, that every clause of this Bill would require the greatest attention. Considering the lateness of the hour (twenty-five minutes past twelve) he should move that the Chairman report progress.

Committee report progress; to sit again on *Thursday*.

House resumed.

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Tuesday, July 7, 1857.

MINUTES.] PUBLIC BILLS.—1ª Representative Peers (Ireland); Crowded Dwellings Prevention; Constabulary Force (Ireland).
3ª Sound Dues; Sites for Workhouses.

COALWHIPPERS BILL.

SELECT COMMITTEE.

LORD KINNAIRD, in rising to move that the Bill be referred to a Select Committee, said that his object was to put himself in a position to prove to the House the necessity of the re-enactment of a measure which had been in operation thirteen years, and which only expired last year. The coalwhippers of London and their families numbered not less than 12,000 souls; and it was extremely painful to think that such a large number of human beings should be dependent on so pernicious a system of employment as that to which the coalwhippers of the metropolitan port were subjected. The Coalwhippers Act was first introduced in 1843 by Mr. Gladstone, for the purpose of remedying the crying evil of having a large class of men compelled to obtain employment through the agency of the keepers of public-houses, and thereby perpetually exposed to the temptation of intoxication. It was passed for three years. At the expiration of that time it was renewed for five years more; in 1851 it was again renewed, but expired in 1856. A Committee to whom an inquiry into this matter was referred had reported that both masters and men had derived great advantage from the measure, the great feature of which was the establishment of an office at which the coalwhippers should be employed, instead of at public-houses, as had been the custom previously to the passing of the Act. The Committee reported that after the passing of the Act, and when its provisions were in force, the men generally came to their work in a fit state to do it, and not in a state of intoxication, as had been too frequently the case under the old system; and further, that notwithstanding this improved condition of things, wages had not increased. However, when the Act expired last year, and the renewal of it was spoken of, the coalowners persuaded the Government to postpone the proposed Bill, promising that they would themselves establish an office under similar regulations to those enjoined by the Bill; that, in fact, the only difference should be, that the new system would be voluntary, whereas the former one was compulsory. The Vice President of the Board of Trade was satisfied with that assurance, but he stated that, unless the engagements were carried out both in the letter and spirit, he should bring in a Bill on the subject. If their Lordships would grant him a Committee, he would undertake to prove that many of the evils of the former demoralizing system were now again in operation. He held in his hand the testimony of persons unconnected with the coalwhippers of the port of London, who asserted of their own knowledge, that the public-house system of employing the coalwhippers was again in operation, and was injurious to the morals and best interests of the men engaged in this branch of industry. His noble Friend the President of the Board of Trade would, no doubt, contend, that all interference in the matter would be contrary to the principles of political economy; but what he (Lord Kinnaird) sought was, not that there should be legislative interference between the employed and the employers, but that the present system, which precluded these unfortunate coalwhippers from obtaining employment except through the medium of the public-house keepers should be put an end to. Many instances could be pointed out in which the families of these men had been ruined by a resort to the old system. Only a few days ago, a man who had refused to run up a score at one of the public-houses had been kept waiting a whole day for the payment of his wages. At last, knowing that his wife and children were starving at home in his absence, in a moment of irritation he assaulted the public-house keeper. The result was, that he was taken before a magistrate, who, feeling that his case was a hard one, inflicted upon him the smallest penalty which was permitted by the law. He (Lord Kinnaird) might also mention another instance, in which one of these poor men had been forced by the system into a public-house, where he had been induced to drink to excess, and had survived that excess only a few hours. Those unhappy occurrences he attributed to the operation of the present system, and he trusted, therefore, the attention of his noble Friend the President of the Board of Trade would be directed to the subject. His noble Friend or the House ought not to forget that, upon the celebrated 10th of April, when the country was saved from bloodshed by the conduct of the working classes, the poor coalwhippers had shown their gratitude for the protection that had been afforded to them by the Legislature, by coming forward in a body and enrolling themselves as special constables. The noble Lord concluded by moving, that the Coalwhippers Bill be referred to a Select Committee, under Standing Order No. 175, respecting Bills for regulating Trade.

LORD STANLEY OF ALDERLEY said, that the Motion of the noble Lord was not strictly in accordance with his notice; but a more grave objection to the course pursued by the noble Lord was, that he sought to treat as a public measure a Bill that was in all respects a private one. The Bill, inasmuch as it proposed to affect only a particular locality and a particular body of men, must be regarded as a private Bill, and should, therefore, in accordance with the Standing Orders of their Lordships' House, have been introduced upon petition, so that all those parties whose rights might be interfered with under its operation should have an opportunity of objecting to it if they thought proper. The Motion of his noble Friend was one, therefore, to which their Lordships would, he thought, not deem it expedient to agree, even upon that preliminary ground. But, be that as it might, he was opposed to the Bill upon the substantial merits of the case. It was quite true that in the year 1843 great evils did exist under the operation of a system by which coalwhippers were engaged by the owners of public-houses. Indeed, their case had been considered one of so exceptional a character as to justify the Government in passing a measure by which the principles of political economy were so far departed from; for there could be no doubt that in passing the Act of 1843, the Government departed from those principles and rules that ought to regulate matters of trade, and which provide that employers should be able to hire those whom they wished to engage without being forced to go into any particular market. The measure of 1843 was subsequently three or four times renewed; but upon its expiration in 1856 it had become a question with the Government whether it should be continued. That question having been submitted for decision to the department over which he had the honour to preside, deputations from the coalowners of the north of England, as well as from persons in the metropolis and throughout the country, connected with the trade, waited upon him, and represented to him that the monopoly which had for some years been established had had the effect of raising in a considerable degree the price of coal, and had prevented employers from procuring the services of workmen so efficient as they would be in a position to obtain if the market were unrestricted; they represented also that the protection was no longer necessary on the ground of morality. Having listened to the reasons which had been put forward by those deputations, he felt himself obliged to concur in the views which they had put forward; but he stated that previous legislation had had for its object the putting a stop to a state of things which all must agree in regarding as being of a very lamentable nature. He had thereupon been assured by the coalowners that they were perfectly willing to establish an office of their own for the registration of the men, and to enter into a written engagement that the coals of London should be whipped only by persons engaged at that office. That proposition of the coalowners the Board of Trade accepted, and he was bound to say that the agreement into which they had entered had been kept in the most exemplary manner on their part. They had established an office, in which a large proportion of the coalwhippers of London were engaged. Some, of course, were engaged by gas companies and private individuals under the old system; but so far as he could ascertain, out of the 1,200 men who were employed in the trade on the Thames 800 were registered at the office to which he referred, while 300 or 400 were engaged in the service of private individuals and of the gas companies. He, for one, would be extremely unwilling to revert to the former state of the law, and reimpose upon coalowners or shippers of coal obligations which were opposed to every sound principle of political economy.

Lord RAVENSWORTH regarded the measure as a special and exceptional piece of legislation. The proposal to refer the subject to a Select Committee was, no doubt, one likely to obtain supporters, but the Bill was one that was opposed to the principles of political economy, and would be subversive of that good feeling which ought always to exist between employer and employed. The public-house arrangement, of which the noble Lord opposite complained, arose from a state of things which had now ceased to exist. In former times the coalowner sold his coals to the shipowner, who shipped them, and sold them wherever he could find a market, and the result was that the shipowner was compelled to make arrangements with the owners of public-houses on the banks of the Thames or other rivers. That state of things had, however, been completely put an end to, and the coalowners were at present as much opposed to the public-house arrangement as any one else could be. The only cases which had been adduced in support of the Bill were entirely of an exceptional character, and he could not admit that instances of abuse furnished any ground for interfering between employer and employed in the mode proposed by this Bill.

The Bishop of OXFORD said, in reply to the suggestion that this was, in reality, not a public but a private Bill, he would observe that the Act which it proposed to continue (the 14 & 15 *Vict.*) was itself a continuance of a former measure, and that both these had been treated as public Bills or Acts. He thought that the House should grant the Select Committee, which was all that was now asked for, leaving open for future consideration whether they should pass the Bill itself. He thought it was a sufficient case in support of this Bill that they had a class of laborious men employed in a most toilsome business, to whom they had formerly given the protection of the Legislature, and who asked that that protection should still be continued to them to save them from the greatest evils to which men could be subjected; and he certainly did think that the House was bound to inquire into the case presented on their behalf. This measure would not interfere between employer and employed. It only protected the labour market from the tyranny which the possession of certain advantages on the spot gave to publicans and others, and which would, if the men are not protected, interfere with the freedom of the labour market.

Earl GRANVILLE was understood to contend that the arguments of the right rev. Prelate were wholly insufficient to induce the House to assent to the course suggested, and to urge their Lordships to reject the Motion for referring the Bill to a Select Committee.

Lord COLCHESTER supported the Motion for referring the question to a Select Committee.

The Earl of MALMESBURY said, he had expected to hear from some Member of the Government a distinct explanation of the manner in which the existing law had failed to satisfy just expectations, and why it should not be renewed. Instead of that, however, the President of the Board of Trade had dealt in mere generalities, and had not shown, in any way, how the old law damaged the interests either of the coal-owners or the coal-whippers. Upon the point of order—as to whether this was a private or a public Bill—he should like to have the opinion of the noble Lord the Chairman of Committees.

Lord KINNAIRD said, that unless he had an assurance from the Government that they would grant a Select Committee to consider the whole subject, he would divide the House upon his Motion.

Lord REDESDALE said, he was inclined to think that the Bill was a public Bill. Former Bills on the same subject had passed as public Bills. There was certainly a clause in it which was a privilege clause—the 15th—inasmuch as it gave power to levy rates.

On Question, their Lordships *divided:* —Contents 31; Not-Contents 27: Majority 4.

Resolved in the *affirmative;* The Committee to be named on Thursday next.

CONTENTS.

Manchester, D.
Newcastle, D.
Norfolk, D.

Bath, M.
Exeter, M.

Amherst, E.
Belmore, E.
Malmesbury, E.
Pomfret, E.
Powis, E.
Selkirk, E.
Shaftesbury, E.
Stanhope, E.

Gordon, V. (*E. Aberdeen.*)
Hutchinson, V. (*E. Donoughmore.*)

Chichester, Bp.
Oxford, Bp.

Berners, L.
Brodrick, L. (*V. Midleton.*)
Calthorpe, L.
Colchester, L. [*Teller.*]
Congleton, L.
Monteagle of Brandon, L.
Moore, L. (*M. Drogheda.*)
Oriel, L. (*V. Massereene.*)
Polwarth, L.
Rossie, L. (*L. Kinnaird.*) [*Teller.*]
Silchester, L. (*E. Longford.*)
Somerhill, L. (*M. Clanricarde.*)
Vaux of Harrowden, L.
Wynford, L.

NOT-CONTENTS.

Cranworth, L. (*L. Chancellor.*)

Cleveland, D.
Breadalbane, M.
Lansdowne, M.
Townshend, M.

Granville, E.

Harrowby, E.
Ilchester, E.
Spencer, E.
Vane, E.

Combermere, V.
Dungannon, V.
Hardinge, V.
Sydney, V.

Aveland, L.
Belper, L.
Churchill, L.
Clandeboye, L. (*L. Dufferin and Claneboye.*)
Downes, L.
Foley, L. [*Teller.*]
Lovel and Holland, L. (*E. Egmont.*)

Panmure, L.
Ponsonby, L. (*E. Bessborough.*) [*Teller*].
Ravensworth, L.
Stanley of Alderley, L.
Sundridge, L. (*D. Argyll.*)
Wensleydale, L.

COUNTY COURTS.

RETURNS MOVED FOR.

Lord BROUGHAM rose to call their Lordships' attention to the very important subject of the administration of justice in the County Courts. It was highly satisfactory to find that the favour with which the public regarded these courts, instead of decreasing or even standing still, had very much increased. The number of plaints brought in had very greatly increased from 1852 to 1855. There were many defects, however, connected with these courts—for instance, the mode of paying the Judges was intolerable;—one Judge received a salary of one amount, and another of another; yet, notwithstanding the increased labours of the learned Judges in these courts, it was proposed in future to reduce all their salaries to the lower amount. It had been alleged by the noble and learned Lord on the woolsack, as a reason for this step, there were always far more applicants than were required to fill up a vacancy; but that was a very bad test; it was one that might be made applicable to the most important offices, even to the very highest in this country, and ought not to be urged in any case whatever as a reason for giving small remuneration. He must inform their Lordships that there was one point with regard to which he had received many representations even from those most friendly to these County Courts, and that was the great diversity which prevailed among the Judges as to the employment of deputies. Some of the learned Judges, to their infinite credit, performed the whole business themselves; others generally speaking performed the duties, but occasionally employed deputies; and there were others who employed them still more. Now, the return which he wished to move for was a return for the last twelve months of all the sittings of the courts, the number of days which each Judge sat, the number of days they sat by deputy, with the name and description of each deputy so employed. He must say he regretted that, while we were extending the duties and jurisdiction of these Judges, and while from a variety of causes the business they had to discharge was constantly on the increase, such a time should be taken not to extend, but to lessen the amount of their remuneration. The noble and learned Lord concluded by moving—

"That an humble Address be presented to Her Majesty for, Return of the Number of Days that each Judge in every County Court in England and Wales, established under the 9th & 10th *Vict.* Cap. 95, has sat in Person, and the Number of Days he has acted by Deputy, with the Names and Description of the Deputy, for the Year 1855; distinguishing the Circuits and the Places in each Circuit in which the Courts were holden, and setting forth any other public Duty in consequence of which Leave of acting by Deputy was given."

THE LORD CHANCELLOR said, he saw no objection to the production of the returns asked for by his noble and learned Friend. As to the appointment of deputies, the existing regulation by statute was that each County Court Judge should be entitled, with the sanction of the Lord Chancellor, to two months' holidays in the year; and the deputy whom he appointed to act in his absence must be a barrister of a certain prescribed standing, whose nomination was also approved by the Lord Chancellor. The two months' leave was not necessarily two consecutive months, that limitation being merely intended to define the whole time to be allowed a Judge within the year. County Court Judges, like all other official persons, required periodical relaxation from their duties, and he must say that they had evinced no disposition to shirk the heavy amount of work which had been cast upon them. The returns for which his noble and learned Friend moved would no doubt show how far illness, unavoidable accident, and other causes accounted for the absence of the Judges from their respective courts. He begged to add his testimony to that of his noble and learned Friend to the indefatigable manner in which these learned gentlemen applied themselves to their arduous labours. We had now had ten years' experience of the working of the county court system, and it was incumbent on the Government to take an early opportunity of revising the arrangements originally made for carrying out that system, with a view, if possible, to distribute the duties of these Judges more equally.

Motion *agreed to.*

House adjourned at Seven o'clock, to Thursday next, half-past Ten o'clock.

Lord Brougham

HOUSE OF COMMONS,

Tuesday, July 7, 1857.

MINUTE.] NEW MEMBER SWORN.—For Banff, Lachlan Duff Gordon, esq.

BURIAL ACTS AMENDMENT BILL.

COMMITTEE.

Order for Committee read.

SIR WILLIAM JOLLIFFE said, there was always an inconvenience in discussing the principle of the Bill in Committee, but as this was one of the many Bills, the principle of which was not discussed until that period, he would take that opportunity of saying a few words with reference to it. The measure was intended materially to extend the operations of burial boards, and to place great additional powers of centralization in the hands of the Secretary of State for the Home Department. Its effect would be to suppress the voice of the ratepayers, at the same time that it would entail upon them very great expense. Nominally the Bill emanated from the Secretary of State; but it came before the House somewhat in masquerade. Looking at the previous Acts of the Board of Health, it appeared to him that this was one of the measures of that Board, for its provisions were characterized by the same degree of stringency that had marked those Acts. He was wont to regard with confidence the general departments of the State; but that one department had never, under any of the guises it had assumed—whether as a Commission or as a Board—commanded the respect and confidence of the country; and he thought there were many provisions in the Bill which might well be postponed, especially as there was another Bill before the House, the object of which was to suppress this Board altogether, and constitute a new authority in regard to matters of health. Had they not better wait, therefore, until that new authority was constituted? He was in hopes that if they had not greater talent, they would at least have more forbearance and common sense brought to bear upon the subject. There were many provisions in the Bill which were based upon an utter want of knowledge of facts, and the grievances which were felt throughout the country; and enormous expense would be incurred by the operations of boards of guardians, who might constitute themselves burial boards, and create burial-grounds, build chapels, and in fact involve the ratepayers in a variety of serious expenses. Besides, the 18 & 19 *Vict.* c. 79, already actually contained provisions for the burial of the poor sent to workhouses, and the enactments in the present Bill would only tend to aggravate the prejudices already existing against the Poor Law; and the reluctance of poor persons who were in distress to enter the union house, by not only separating them from their friends whilst living, but likewise when dead. So, also, with regard to lunatic asylums, he did not see why the provisions in the Act he had referred to would not be sufficient for the visitation of those institutions. In his opinion, also, the Bill carried the principle of centralization much too far. It was not at all well-considered, and authorized the Home Office to interfere in a thousand petty ways, to the great dissatisfaction of the country; indeed, it seemed to him as if the first object of the board was the removal of the supervision of the ratepayers.

MR. MASSEY said, the hon. Baronet was mistaken in supposing that any new principle with regard to burials was introduced by the Bill. Its object was simply to remedy some defects which long experience had proved to exist, and which had greatly retarded the successful operation of the present laws. The measure had not, as the hon. Baronet appeared to think, emanated from the Board of Health at all, but from that department of the Government which was entrusted with the administration of those laws. It had been compiled after careful consideration of the different representations and suggestions which had been made to the Home Office during the last three or four years, as to the actual practical difficulties experienced in administering these laws, and which, of course, had the best means of forming an opinion as to their defects. A great number of these suggestions and objections the Government did not think of sufficient importance to be the subject of legislation; and it was upon the consideration of a careful selection which had been made of the chief practical difficulties only, that the several clauses had been framed. The real object was, to facilitate and render easy the action of a very important law, which, up to this time, had been extremely successful, considering the obstructions which had impeded its progress. The law certainly was one of a stringent character, and was only excusable on the necessity of the case. It had been assented to, on the whole, with good sense and good feeling, and he believed that the practical effect of it had been greatly to promote and improve the sanitary condition of the country. The hon. Gentleman had referred to the Board of Health, as if this Bill had emanated from that not very popular department. He again assured him, however, that they had had nothing to do with its preparation any more than they had had anything to do with the administration of the Burial Act, which, in fact, was entirely in the hands of the Home Office. Indeed, in no case had the Board of Health been consulted in reference to the provisions of the Bill. It had been found better to avail themselves of existing organizations instead of creating new boards for every new set of circumstances that might arise; and the Bill enabled that to be done, but it was not intended that local boards should have power to tax the ratepayers without their consent. The power of taxation would only be conferred upon them on the representation of a certain proportion of the ratepayers to the Home Secretary, expressing a desire to that effect. The hon. Gentleman had referred to the authority given to boards of guardians to provide new burial-grounds. That clause was founded upon considerations of practical convenience. It had been repeatedly represented to the Home Office that small parishes in the neighbourhood of union workhouses had had their grave-yards inconveniently overcrowded by paupers, and that those burial-grounds had been subjected to the visits of the inspectors, who, finding that they had been prematurely filled, had ordered them to be closed. By this means the parishes had been subjected to the inconvenience and expense of providing new burial-grounds. It was thought, therefore, that in places where large union workhouses were established, the board of guardians should, if they thought fit—and the clause was not compulsory, but entirely permissive—provide a piece of ground for the interment of the inmates of the workhouse. He could assure the hon. Baronet, however, that it was by no means intended by the Bill to do violence to the feelings of the inmates or their friends. The whole principle of the Burial Act was, that the supervision of the Secretary of State should be exercised, and that supervision would not be extended by the Bill further than it went at present. He hoped the House would now go into Committee, as it was most important that the Bill should become law.

SIR HENRY WILLOUGHBY said, that what had fallen from the hon. Member for Salford (Mr. Massey) had convinced him that important principles were involved in the Bill. He, therefore, wished to know if it was intended that a poor person who had died in a union-house should be buried in the workhouse burial-ground against his consent—at all events, against the consent of his friends. That was a most important point; and he hoped the Home Secretary would clearly explain what was the intention of the Government respecting it, because, if it were so intended, he should oppose the clause to the utmost of his power. The attempt to provide a separate burial-ground for paupers had been tried before, and had failed; and he trusted it would not succeed now. There was nothing which hurt the feelings of the poor more than being prevented from being buried among their kindred. He should be glad to know if the right hon. Gentleman would consent to the introduction of a proviso to the effect that where a wish had been expressed by the deceased person on the subject in his lifetime, or by his friends after his death, he should be buried in his own parish, and not in the workhouse burial-ground.

MR. SOTHERON ESTCOURT said, he understood that the law at present enabled boards of guardians to provide burial-grounds for union-houses; he could not, therefore, see the object of inserting such a clause as this in the Bill.

SIR GEORGE GREY said, that when they got into Committee, he hoped to show the hon. Baronet that the clause alluded to by him was not all of a penal character, but intended to meet those instances in which parish graveyards had been prematurely filled by the burial of the inmates of workhouses, and, in consequence, had been ordered to be closed by the public health inspectors, thereby involving the parish in considerable expense. The object of the clause, therefore, was to enable boards of guardians to establish cemeteries of their own, and which cemeteries were not provided under the existing law applicable to other cemeteries. These would contain a portion of consecrated as well as unconsecrated ground, in order that the burial of the paupers should be conducted there in the same way, and with the same regard for the feelings of the relatives as if it took place in their own parish ground. He would, however, confirm the statement of his hon. Friend (Mr. Massey) with regard to the object of the Bill—that it was not to give increased powers, but to give greater facilities for the working of Acts already in existence.

MR. KNIGHT contended, that the Bill did involve a new and a very objectionable principle. The first Burial Act was as thoroughly local as could be wished, but as Act after Act passed, the power of the Secretary of State increased and spread over the whole country. The regulations made were not such as he had a right to make, for out of nineteen regulations there were only four for which he had a direct authority. But whilst the Home Office was bringing in this Bill to place all burial-grounds and churchyards under the Secretary of State, the hon. Gentleman's own borough of Salford was getting a Bill passed through the House, which empowered the authorities of that borough to make regulations for themselves. So that all England was to be placed under the regulations of the Home Office with the single exception of Salford. A new principle was involved in the Bill, inasmuch as it enabled the Secretary of State, by his inspectors, to take in hand, with the exception mentioned, every churchyard in England. If regulations were wanted as to the burial of the dead, let the country parishes make them for themselves. Indeed, the country heartily desired that the Government would let it alone in this matter.

MR. H. BERKELEY: The present discussion showed how necessary it was that the Home Secretary should have very broad shoulders, and how difficult it was to please hon. Members on all occasions. He recollected very well, when the country was suffering from pestilence, that hon. Gentlemen were constantly attacking the Secretary for the time being, and asking him why he did not do this, and why he did not do that. In fact, all the malaria passing through the country was attributed to the want of precaution on the part of the Secretary of State; but the moment the pestilence ceased up they jumped, and declared that they were perfectly capable of governing themselves, and begged to be let alone to manage their own affairs. Now, the fault he (Mr. Berkeley) found with the Bill was, that it would not leave sufficient power in the Secretary of State. He hoped, therefore, the House would consent to go into Committee. He objected, however, to a proposed clause, giving power to bury four persons in one grave, which was called pit-burial.

MR. DILLWYN said, that in all cases where the Church was concerned, so long as there was a connection between the Church and the State in this country, so long it would be necessary to have the civil power to appeal to in order to protect the minority in different local districts against the encroachments of ecclesiastical authority. On that ground, and also because he thought that the Home Secretary had very discreetly exercised the powers already vested in him, he should vote for going into Committee on the Bill.

SIR DE LACY EVANS said, that he rose to order, as these observations ought to have been made on the second reading, and now there was no Motion before the House but that of going into Committee. He hoped the Government would carry forward those clauses relating to the sanitary condition of the metropolis. The observations upon details of the Bill should be made in Committee. He trusted, however, that they would not sanction the system of pit-burials.

MR. BARROW observed, that he was of opinion that the principle of centralization was attempted to be carried too far by the Bill. It was a serious question whether the feelings of the country with regard to the manner in which burials should be conducted ought to be subjected to the despotic interference of any individual, however high his position in the Government, or however high his personal character might be. He thought, also, they were quite justified in discussing the principle of the Bill, as hon. Members could not be expected to stay in the House until a late hour to be present at the second reading.

House in Committee.

Clauses 1 and 2 *agreed to.*

Clause 3, line 16.

MR. KNIGHT moved, to leave out "upon the petition of not less than one-tenth of the inhabitants," as far as "relief of the poor," line 19, and insert "in case it appear to Her Majesty in Council, upon the petition of the Local Board of Health of any district established under the Public Health Act."

SIR GEORGE GREY assented to the Amendment.

Clause, as amended, *agreed to.*

Clause 4 also *agreed to.*

Clause 5 (Boards of Guardians to create workhouse Burial-Grounds).

SIR WILLIAM JOLLIFFE said, that if, in addition to the separate system in union-houses, there was a separate burial-ground, the only result would be to increase the prejudice and dislike already entertained on the part of the poor to enter those establishments. By a recent Act, the 18 & 19 *Vict.*, c. 79, boards of guardians were empowered to enlarge existing burial-grounds and churchyards, and to agree with the local authorities, and make arrangements by which such burial-grounds should be made proper for the interment of the inmates of workhouses. That power, in his opinion, was quite sufficient for boards of guardians and visiting justices of lunatic asylums to possess. If the clause were enacted, its effect would be to create an enormous expense—in short, there was no knowing to what extent the works might be carried on. Great evil would arise to both ratepayers and paupers; and he should, therefore, move that the clause be struck out.

MR. BARROW remarked, that if the clause were retained, he trusted, at all events, that some provision would be inserted in it enabling the friends of the poor person deceased to require the body to be interred in the graveyard of his own parish.

MR. WALTER said, he thought that, where a churchyard was overcrowded, a simpler course than that proposed by the clause was to give power to enlarge it. Where that could not be done additional ground should be provided, equally accessible to the rich and the poor. He had a very strong feeling on the subject. He knew no case to which that text of Scripture which said, "the rich and poor meet together; the Lord is the maker of them all," should be so applicable as in that of churchyards. He wished to know what was the definition of "a pauper" according to this Bill. Was it meant to include those who received outdoor relief, as well as those who were inmates of a workhouse? There certainly could be nothing more monstrous than that a person receiving outdoor relief should, on his death, be subject to be buried in one of these new-fangled burial-grounds. It seemed to him (Mr. Walter) that the clause was unnecessary. He felt assured that it would be very hurtful to the feelings of the people of this country.

SIR GEORGE GREY said, that the clause was not compulsory; but as there was a strong feeling against it, he had no objection to its being struck out.

Clause *struck out.*

Clause 6 *agreed to.*

Clause 7 *omitted.*

Clauses 8 to 15 inclusive, *agreed to.*

Clause 16 (Orders in Council may be made for regulating Burial-Grounds, &c.).

Mr. KNIGHT objected to the clause, which was the most objectionable one in the Bill. It proposed to make the orders of the Home Secretary more stringent, and entailed 10*s.* penalty for disobedience. The clause would also fix inspectors all over the country for all eternity. He should move, in page 6, Clause 16, line 30, to leave out from "it shall be lawful," as far as "seem proper," line 33.

Sir GEORGE GREY said, the great object of the clause was to give the Secretary of State power to make regulations for burials in cemeteries, so that they might be conducted with some regard to decency. Complaints had been made, for instance, that in the Victoria Cemetery at the east end of the town public decency was outraged by burying a number of persons in one grave.

Mr. AYRTON remarked, that no necessity had been shown for giving this power to the Secretary of State.

Mr. BARROW thought the clause ought to provide that local bodies should have power to make their own regulations.

Amendment, by leave, *withdrawn.*

Mr. LOCKE KING said, he would move, as a proviso, that no more than one body should be buried in any vault or grave in any cemetery or burial-ground within the metropolitan districts, except in a vault or grave purchased for the exclusive use of the family.

Amendment proposed, in page 7, line 8, to insert after the words "Burial-Ground," the words "Provided always, That no more than one body shall be buried in any vault or grave, in any cemetery or burial-ground within the Metropolitan District, except in a vault or grave purchased for the exclusive use of a family."

Sir GEORGE GREY said, he believed in the abstract, that only one body ought to be buried in a grave; but it would operate as a great hardship on the proprietors of many of the existing cemeteries who had private Acts of Parliament to put such a provision in force. It would be better, therefore, to leave the matter in the hands of the Home Secretary.

Viscount EBRINGTON observed, he should support the Amendment, as he did not see that the existing cemetery companies had so conducted their affairs as to entitle them to any especial consideration on the part of this House.

Mr. AYRTON said, he should oppose the Amendment. The powers vested in the Secretary of State would be quite sufficient for all purposes.

Mr. JOHN LOCKE said, that six persons had, up to this time, been placed in a grave without any public inconvenience, and he saw no necessity, therefore, for adopting the Amendment of the hon. Member for East Surrey.

Mr. MASSEY said, the Secretary of State had no power at present over the cemeteries belonging to joint-stock companies, and it had been found that public decency had been grossly abused in several instances. It was stated that large pits were dug and bodies flung in, and scarcely covered with earth until the pit was filled with bodies. The object of the clause was to take away the power of doing this, which had been given to the cemetery companies; but inasmuch as the companies had the power now, he should propose that six bodies might be placed in one grave, provided the grave were opened and closed the same day. He confessed it was not without reluctance that he had agreed to that, but they ought not to drive principles too hard; and, considering the great variety of soils, and the pressure for burial accommodation in several parishes, he thought it might well be left in the hands of the Secretary of State, under the advice of the inspectors, to relax the rule when circumstances justified it. They could not deal with these companies in the same manner as they dealt with other burial-grounds. With regard to the Salford Bill he had nothing to do with it, but he saw the provisions of the Bill last night, and approved of them.

Sir DE LACY EVANS said, if this clause were struck out, he should have no objection to the whole Bill being thrown out. A friend of his saw the bodies of sixty or seventy children thrown into one pit. The proprietors of the companies said they had a vested interest, but he did not think they should be listened to. They had been reaping a rich harvest in consequence of the closing of the other graveyards, and now they wished to keep up a revolting practice which was inimical to the public health, in order that they might continue to make great gains.

Mr. H. BERKELEY said, he had been spoken of as representing the Woking Cemetery. It was true he was a director of that company, and he would say of it that it only permitted one body to be buried in one grave. He thought pit-burials ought not to be allowed. They were alike an outrage to public decency and an injury to public health.

MR. CLAY said, he should support the clause as it stood.

MR. SOTHERON ESTCOURT suggested that words should be inserted confining the power to cases where there was no burial board.

SIR GEORGE GREY said, it would be better to decide on the Amendment first, as on that depended the question whether they were to have any power at all.

MR. KNIGHT said, if the clause were confined to those commercial burial companies over which the burial boards had no control, he should have no objection.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 33; Noes 188: Majority 155.

MR. MASSEY moved the following Amendment to the Clause:—

"Provided also, That such regulations shall not prohibit the burial of any number of bodies, not exceeding six, in the same common grave on the same day in any of the Cemeteries mentioned in Schedule (B) of the Act 15 & 16 *Vict.* c. 85, or in any cemetery established in pursuance of any Act of Parliament, provided that every coffin so buried shall be separated from any other coffin by at least a foot of earth, and be buried at least four feet below the surface of the ground, and provided that such grave shall be filled in on the day of burial and never again opened until the remains of the bodies buried therein shall be completely decayed."

MR. MILES said, he regretted that the Government should have yielded to what he thought was not a very sanitary pressure by introducing the word "six" as the number of bodies which might be interred in the same grave. As the proviso stood originally, it had the word "four." He begged to propose, therefore, that "four" be inserted for "six."

Amendment proposed to the proposed Amendment, to leave out the word "six," and insert the word "four," instead thereof.

MR. MASSEY admitted that experience showed that the system of burying one body in a grave was the best and most salutary one; but then it must not be forgotten that they had to deal with a number of cemeteries which had private Acts of their own, and were exempt from the Burial Acts.

MR. CLAY said, the reason why "six" had been inserted was, that many of the cemetery companies had made contracts with poor-law unions to bury six in one grave, and he did not think that that would be prejudicial to public health.

Question put, "That the word 'six' stand part of the proposed Amendment."

The Committee *divided:*—Ayes 79; Noes 131: Majority 52.

Clause *agreed to.*

House resumed. Committee report progress; to sit again on *Thursday* at Twelve o'clock.

SCOTCH SALMON FISHERIES.

QUESTION.

MR. CAIRD said, he would beg to ask the Secretary of the Treasury, whether any progress has been made since February, 1853, in obtaining a decision by the House of Lords of the case of "Gammell against the Crown;" and whether the advantage of the right of salmon fisheries on the whole seacoast of Scotland, therein involved, has for four years been lost to the public revenue by the postponement of the above case?

MR. WILSON said, the appeal in the case referred to was heard in the House of Lords in 1853. No decision was yet given, but the House of Lords had recently intimated that they desired that the case should be re-argued, though they had not yet appointed a day for the purpose. Of course it was not within the power of the officers of the Crown to hasten on these proceedings; they must wait until a day was fixed by the Lords to hear the case. As to the question, whether the revenue of the Crown would suffer a loss by this delay, that must depend entirely upon the conclusion at which the House of Lords arrived.

SURVEY OF TOWNS—QUESTION.

LORD ELCHO said, that before putting the question of which he had given notice to his hon. Friend the Secretary to the Treasury, he would state, that when the survey of the rural districts was made on the six-inch scale, that of the towns was conducted on the scale of five feet to the mile; but when the six-inch scale was abandoned in the rural districts, a corresponding increase was made in the towns, which were thenceforward surveyed on the scale of ten feet. As the six-inch scale was now abandoned in the rural districts, he, therefore, wished to ask, upon what scale it is now intended to proceed with the survey of towns in Great Britain and Ireland?

Mr. WILSON said, that when it was the practice to survey the counties on the six-inch scale, the survey of the towns was made on the scale of five feet to the mile. When the survey of the rural districts was extended to the scale of twenty-five inches, the survey of the towns was raised to the scale of ten feet to the mile. It had gone on to the present time, and was now proceeding on that scale. It was quite obvious that the surveys in progress must be completed on that scale. As to those not yet begun, the scale to be adopted would depend on what might be resolved on by that House. No alteration had been made in consequence of the Resolution come to the other night with regard to the Scotch survey.

THE ROYAL ACADEMY—QUESTION.

Mr. CONINGHAM said, he would beg to ask the Secretary of the Treasury, whether it is the intention of Her Majesty's Government to remove the Royal Academy from that portion which it now occupies of the National Gallery in Trafalgar Square?

Mr. WILSON replied, that the whole matter was at the present time undecided, because the Report of the Commissioners appointed to inquire into it had not yet been received by the Government. He was not aware, however, of any intention existing at the present time to remove the Royal Academy from the building it now occupied. Certainly, no such decision had been come to.

THE ISTHMUS OF SUEZ CANAL.

QUESTION.

Mr. H. BERKELEY said, he wished to ask the First Lord of the Treasury, whether Her Majesty's Government will use its influence with His Highness the Sultan in support of an application which has been made by the Viceroy of Egypt for the sanction of the Sublime Porte to the construction of a Ship Canal across the Isthmus of Suez, for which a concession has been granted by the Viceroy of Egypt to Monsieur Ferdinand de Lesseps, and which has received the approbation of the principal cities, ports, and commercial towns of the United Kingdom; and, if any objections be entertained by Her Majesty's Government to the undertaking, to state the grounds of such objection?

Viscount PALMERSTON: Sir, Her Majesty's Government certainly cannot undertake to use their influence with the Sultan to induce him to give permission for the construction of this canal, because for the last fifteen years Her Majesty's Government have used all the influence they possess at Constantinople and in Egypt to prevent that scheme from being carried into execution. It is an undertaking which, I believe, in point of commercial character, may be deemed to rank among the many bubble schemes that from time to time have been palmed upon gullible capitalists. I have been informed, on what I believe to be reliable authority, that it is physically impracticable, except at an expense which would be far too great to warrant any expectation of any returns. I believe, therefore, that those who embarked their money in any such undertaking (if my hon. Friend has any constituents who are likely to do so) would find themselves very grievously deceived by the result. However, that is not the ground upon which the Government have opposed the scheme. Private individuals are left to take care of their own interests, and if they embark in impracticable undertakings they must pay the penalty of so doing. But the scheme is founded in hostility to the interests of this country—opposed to the standing policy of England in regard to the connection of Egypt with Turkey—a policy which has been consecrated by the late war, and issue of that war—the Treaty of Paris. The obvious political tendency of the undertaking is to render more easy the separation of Egypt from Turkey. It is founded, also, on remote speculations with regard to easier access to our Indian possessions, which I need not more distinctly shadow forth, because they will be obvious to anybody who pays any attention to the subject. I can only express my surprise that M. Ferdinand de Lesseps should have reckoned so much on the credulity of English capitalists, as to think that by his progress through the different commercial towns in this country he should succeed in obtaining English money for the promotion of a scheme which is every way so adverse and hostile to British interests. That scheme was launched, I believe, about fifteen years ago, as a rival to the railway from Alexandria by Cairo to Suez, which, being infinitely more practicable and likely to be more useful, obtained the pre-eminence. M. de Lesseps is a very persevering gentleman, and may have great engineering skill at his command. At all events, he pursues his scheme very steadily, though I am disposed to think, that probably the object which he and some others of the promoters have in view will be accomplished, even if the whole of the undertaking should not be carried into execution. If my hon. friend the Member for Bristol and his friends will take my advice, they will have nothing to do with the scheme in question.

METROPOLITAN TURNPIKES.

QUESTION.

LORD ROBERT GROSVENOR said, he wished to ask the First Lord of the Treasury whether it is the intention of the Government to take steps towards the appointment of Commissioners to inquire into the best method of removing the toll-bars now situated in the metropolis, pursuing the plan which was adopted in regard to those in the metropolis of Ireland and its vicinity.

VISCOUNT PALMERSTON said, that no doubt it would be very desirable to accomplish the object which his noble Friend had in view, and that it should therefore receive the consideration of Her Majesty's Government. He was not, however, prepared at present to state the method by which it would be best attained, but the Government would place themselves in communication with the trustees of the metropolitan turnpikes to see what measures would be necessary.

BRITISH MERCHANTS AT ULEABORG.

QUESTION.

MR. ADAMS said, he would beg to ask the First Lord of the Treasury whether it is the intention of Her Majesty's Government to introduce any measure enabling them to grant compensation to British merchants whose property at Uleaborg, in the Gulf of Bothnia, was destroyed on the 2nd of June, 1854, by the boats of a squadron under the command of Admiral Plumridge.

VISCOUNT PALMERSTON said, that the proceedings in this matter must be regulated by the principle which he had stated to be an international principle when a question arose some time ago as to the losses sustained by British subjects at Greytown. He then stated the principle of international law to be that persons who were domiciled in a foreign country must abide by the fate of that country in peace and war, and that therefore no demand could properly be made upon the American Government for losses sustained by British subjects in Greytown in consequence of hostilities which took place between the United States and Granada. The same principle applied to the case to which the hon. Gentleman now referred. There were certain British subjects, and probably the subjects of other States, who were domiciled or had property in the Russian territory. Those persons must take the chance of the protection of the Russian Empire; and if by any circumstance the place where their property was situated became the scene of hostile operations no claim could possibly be set up by those persons, whatever country they might belong to, against the Government whose forces carried on the hostilities by which they had been made to suffer.

BENGAL MILITARY FUND.

COMMITTEE MOVED FOR.

VISCOUNT GODERICH said, that although it was not his intention to press the Motion which stood in his name for the appointment of a Select Committee to inquire into the relations existing between the East India Company and the Bengal Military Fund, he thought it due to the officers of the Bengal army that he should state publicly the reasons for the course which he proposed to take, and in order that he might not infringe the rules of the House he should conclude his observations by moving, *pro formâ*, the Resolution of which he had given notice. The fund in question had been established among the officers of the Bengal branch of the Indian army to afford assistance to those officers under certain circumstances and to provide pensions for their widows and children, and it was supported partly by subscriptions from the officers themselves and partly by assistance which was afforded them in various ways by the East India Company. Certain differences had lately arisen between the managers and the Company with respect to the fund, and in consequence he had undertaken to bring the subject under the consideration of the House. In the course of last week, however, those gentlemen in this country who represented the fund called upon him and stated that, owing to the news which had arrived ten days ago from India, and to the unhappy condition of affairs in the Presidency of Bengal, they were most reluctant that any steps should be taken emanating from them which might have the slightest tendency to embarrass the Indian Government or the Company, or which might seem to indicate the existence of dissatisfaction in the minds of the European officers of the Bengal army. They had therefore asked him not to proceed with his Motion. He thereupon inquired whether they believed that in making that request they fairly represented the feeling of the subscribers to the fund, and they replied that they did. Thinking that that feeling was highly honourable to them and their character as British gentlemen and officers, he at once acceded to their wish; but, although, under these circumstances, he intended to postpone his Motion, he reserved to himself the full right to bring it forward in more propitious times if he should think it necessary; and he was sure that the case of these officers would not be in any way prejudiced by the postponement which now took place in deference to a highly honourable feeling on their part. He trusted that his right hon. Friend the President of the Board of Control would promise that the matter should have his consideration during the recess, because he thought that the course which had been taken by the officers entitled them to a full, fair, and generous consideration of their claims at the hands of the East India Company and of the Government. He thanked the House for the consideration with which they had listened to his remarks, and would beg to move, *pro formâ*, for the appointment of a Select Committee to inquire into the subject.

Motion made, and Question proposed, "That a Select Committee be appointed to inquire into the present state of the Bengal Military Fund, and the relations existing between the East India Company and that Fund."

Mr. VERNON SMITH said, that, as his noble Friend had not entered into any detail of his reasons for asking for a Committee upon this subject, of course it was not his (Mr. Vernon Smith's) intention to trouble the House with details either. He would simply state that this was a question in which the East India Company took one view and those who were interested in the military fund another, and the present position of the matter was this:—In June last the Court of Directors, with his sanction, sent out a despatch, stating that, although they did not waive their claim to the right which they had established of making no further contributions to that fund, still, if in the course of two years from January, 1856, it should appear that the fund was not equal to meet the charges against it, the Directors would consider whether further contributions should not be made to it, those contributions, however, being entirely in the nature of generosity. He regarded the Motion as a subject for future consideration, and the despatch to which he had alluded showed that it had not escaped the attention of the Government and of the Court of Directors. He need not say that in his opinion the conduct of the gentleman whom the noble Lord represented was highly creditable to them. No one supposed for a moment that there was any disaffection on the part of the officers of the Bengal service; but in the present state of the public mind any movement of this kind was liable to be misrepresented, and their conduct upon this occasion had been becoming to them as British officers and soldiers. To that he bore the fullest testimony.

Mr. MANGLES was understood to express his approval of the course which the officers had taken, and of the high sense of duty which had always actuated them. At the same time, he thought that the noble Lord had acted with judgment and discretion in not pressing his Motion at this time. The Court of Directors had made large contributions to the fund beyond that which they recognised as a claim of right, and they had promised if it should appear at the end of two years that the fund was not sufficient to meet the demands upon it, that they would take the subject into consideration, and would regard it as a question for their generosity. He was sure that there was every willingness on the part of the Directors of the East India Company to act in a liberal manner, without, at the same time, waiving what they considered to be their rights.

Motion, by leave, *withdrawn*.

THE LORD LIEUTENANCY OF IRELAND.

MOTION.

Mr. ROEBUCK then rose and said:—Sir, I rise to bring forward a Motion for the abolition of the office of Lord Lieutenant of Ireland under most auspicious circumstances. Not that I mean that it will be so considered by the House, but that I believe it ought to be so considered. My late lamented friend Mr. Hume very often pressed this proposition on the House. He brought it forward under very difficult circumstances. He brought it forward in 1824, when Ireland was in a state of confusion almost unprecedented. In 1830 he also brought forward the proposition. In 1844, at the time of the monster meetings of Mr. O'Connell, he again submitted it to the House; and in 1850 the then Prime Minister, Lord John Russell, submitted a Bill with the same object to this House, which was carried in this House, under the most disastrous circumstances. Ireland was then subject to the consequences of the most dire famine that ever visited that unhappy country. But now how different are the circumstances. Ireland is a part—an integral part of England, governed as England is, suffering under no political or natural misfortune. She is now happy in her Government—in her internal and external circumstances—she is, in fact, a flourishing country, and has nothing to complain of. I say this boldly. I say that Ireland is a part—an integral part of the great country to which she now belongs, and has nothing to complain of in her Government, except in respect to the one matter which I am about to bring under the consideration of the House. This House has often been called upon to abolish the office of Lord Lieutenant of Ireland—and why? There are many sorts of alliances between countries. There may be a federal association such as exists in the United States of America. That is an association, if I may so express myself, of integers; but that is not the nature of the present association of Ireland with England. Ireland is and ought to form part of an association of fractions. We do not say the United Kingdoms but the United Kingdom of Great Britain and Ireland; and Ireland ought to be a fractional part of the great country to which she belongs. She is not and ought not to be considered an independent country; and in so saying, let not hon. Gentlemen from Ireland fancy that I have any wish to say anything offensive to them. Upon this point I may appeal to my long political career, and I will say that if one word or act of mine could be found derogatory to the dignity of Ireland, I should be ashamed of myself. I think, then, I may appeal to the whole tenor of my past career, for everything proposed in this House in order to make Ireland equal to England has had my most strenuous support. Therefore, in proposing, as I now do, that we take from her what I consider the last badge of subjection, I am not offering her an offence or doing her a disadvantage, but an advantage and benefit. What do I seek to do? I have said that there are various sorts of alliances. The federal alliance Ireland does not now pretend to maintain. Before 1800, when there was a Parliament in Ireland, she might be said to be a kingdom of herself; but the moment she consented—and she did—to do away with her Parliament —[Mr. Napier intimated dissent.]—My hon. Friend shakes his head; but I say she did consent. Was it not a Protestant Parliament that consented? I do not mean to say that means were not employed, disgraceful to Ireland and to those who employed them, to obtain that consent; but still the Protestant Parliament representing Ireland consented to the union, and thereby the condition of Ireland as a separate and independent nation was entirely done away with. She consented to be a fractional part of a great whole—the United Kingdom of Great Britain and Ireland, and what I now seek to do is to make Ireland the right arm of England. I want every county in Ireland to be like a county in England, and every parish in Ireland to be like a parish in England, and that she should not call herself Ireland, but a part of the United Kingdom of Great Britain and Ireland. I ask what benefit does Ireland derive from the present anomalous condition? She has a viceroy—a *papier maché* sort of royalty. What does the Viceroy of Ireland do for Ireland? I will tell you. He is the focus of intrigue in Dublin. He makes Ireland dependent, not on her own individual exertions, but on the Government. All those who can afford it run to Dublin, and anybody who knows anything of Dublin knows the sort of scenes that take place in the mock court of the Lord Lieutenant there. In London and in England the profession of the law is one of brotherhood, and there are many hon. and learned Gentlemen sitting on the opposite benches, who, I am proud to say, are friends and intimates of mine. I never asked whether they were Tories, Whigs, or Radicals; but I have learnt within the last few days, to my utter astonishment and dismay, that hon. Gentlemen on this side of the House who are Attorneys and Solicitors General for Ireland have never met in private society with the Attorneys and Solicitors General for Ireland on the other side of the House. The hon. Gentlemen who are now Attorney and Solicitor General for Ireland never met, I understand, my right hon. Friend opposite (Mr. Napier) in private society. Now, I believe that this is the result of an influence emanating from the existence of a Lord Lieutenant in Ireland. I believe that the existence in Dublin of that functionary keeps apart all the elements of society in Ireland. It is a sort of negative electricity. Now, Sir, I would ask, in the first place, what is the expense caused by this tinsel monarch? My late friend Mr. Hume said, and, I believe, truly, that it took £100,000 a year to keep up that sham monarch. But that is not all. There is a divided responsibility. I would ask, how is Ireland governed now? First, there is the Home Secretary, a Cabinet Minister; next, there is the Lord Lieutenant, who is not a Cabinet Minister, but a Viceroy; and then there is the Secretary for Ireland, who has a seat in this House. All these three persons are really the governors of Ireland, but not one of them is in connection with the other, and nobody is responsible for anything done. I say that this is a great mischief. The Lord Lieutenant is a mere sham. He goes to Ireland, and what does he do? There are certain functions of government that belong to the Imperial Government of the country, and which ought to be discharged at the seat of empire. Now, the Imperial Government ought to be here. I know I am saying that which to Irish ears is grating and harsh, but recollect that we have before our eyes the example of a country united with England under far different circumstances from those in which Ireland was united—namely, Scotland. Now, Dublin is at present no further from London than Edinburgh, but at the time when Scotland was united with England, Edinburgh was in reality three weeks' journey from London, and then no Viceroy was placed in Scotland. See the change effected by the electric telegraph and the railways — Dublin is brought within eleven or twelve hours' communication with London. Compare that with the three weeks' journey to Edinburgh when Scotland was made an integral part of England. Let not, then, any Irish Gentleman suppose that I mean anything offensive. What I mean is that Ireland should be part of England—really a part, and I think I may appeal to my own political career to show that I do not want to impose on Ireland anything which England does not bear. I want an equal law for Irishmen and Englishmen. I do not want the distinction of Irishmen to exist. Cork ought to be like York. There ought to be no difference between the great county of York and the great county of Cork, except that one is somewhat more distant from London than the other; but to tell me that there is any difficulty in governing Ireland in consequence of its distance, is to tell me that our forefathers were unable to govern Scotland. Now, is that true? Has not the union of Scotland with England been of the greatest benefit to both countries, and more especially to the former country? Depended upon it —however painful it may be to Irish Gentlemen to hear such an opinion— the union of Ireland and England would be attended with the utmost benefit to Ireland. The history of this country, so far as Ireland is concerned, up to within a very few years, I am willing to admit, has been a disgrace to England. Cruelty, usurpation, despotism, as regards Ireland, have marked every step of English dominion; but, since we have had a Reformed Parliament, only two really offensive Acts applying to Ireland have been passed. I opposed both those Acts. The one was the Irish Coercion Act; the other was the Ecclesiastical Titles Act. Nobody opposed the latter measure more strenuously than I did. I think mine was the first voice raised against the proposal, and if there be any mischief arising from that Act, I think its consequences will defend Ireland from any repetition of such a measure. What have we seen within a few days past? We have seen a right rev. Prelate of the Catholic Church of Ireland claiming the title of Archbishop of Tuam, and you have not dared to put in force the Act of Parliament you were foolish enough to pass. He boldly asserted that he was Archbishop of Tuam. Now, if any offence can be committed under the Act, this is one. Is there any man bold enough—is there any man insane enough —to endeavour to enforce that Act against the right rev. Prelate? I perceive, by the working of the face of my hon. Friend the Member for North Warwickshire (Mr. Spooner), that he does not like this. I take it to be one of the strongest proofs of the truth of what I assert, that although the right rev. Prelate has called himself Archbishop of Tuam, even my hon. Friend, who entertains such strong feelings on the subject, does not dare to put in operation the provisions of the Act. I say, then, that Ireland is safe, and that no intervention of this kind will be repeated. Now, what injury, or what insult, I ask, can possibly arise to Ireland from the abolition of the office of Lord Lieutenant? I have been threatened with opposition by my hon. Friend the Member for the University of Dublin (Mr. Grogan), and I can understand why he opposes my proposal. He represents Dublin. He represents the milliners; and I can understand that those ladies will be very strongly opposed to any proposal which will abolish the sham of the Lord Lieutenancy of Ireland. There is, however, something I cannot understand, and that is, why my hon. and learned Friend the Member for Yarmouth (Mr. M'Cullagh) intends to move "the previous question" upon my proposition. Now, what is "the previous question?" It is, in fact, saying, "I agree in what you say, but the time at which you propound your doctrine is unpropitious." That is the real meaning of "the previous question;" but I ask this House—I ask right hon. Gentlemen on the Treasury Bench—is the present an unpropitious time for bringing this question under the consideration of Parliament? Is not Ireland quiet? Is there not peace throughout the whole of that country? Are not all the various classes of Ireland in a prosperous condition? I venture to say that if, at any time you could propound with safety a change in the Government of Ireland, it is at the present moment, and I am therefore astonished at the course which my hon. and learned Friend intends to adopt. I could understand a bold, persistent denial of the value of the change which I propose: I should not have much regard for the intellect of the man who ventured such denial, but still I should understand it. I cannot, however, understand an hon. Gentleman who says, "I admit the truth of your proposition, but I think you bring it forward at an unpropitious period." Unpropitious! Why, is the present time as unpropitious as 1850? I have in my hand a curious document relative to the proposal made in 1850 by the noble Member for the City of London —who, I am afraid, is not present—then Prime Minister, for abolishing the office of Lord Lieutenant of Ireland, and establishing a fourth Secretaryship of State. I have here the names of the Members of the present Government who voted in 1850 for the Bill of the noble Lord (Lord J. Russell), and I will read them for the satisfaction and edification of the House. I will take them in alphabetical order. They are,—Mr. M. T. Baines, the Hon. E. P. Bouverie, Lord E. Bruce, the Hon. W. F. Cowper, Viscount Duncan, Sir G. Grey, Mr. W. G. Hayter, Mr. H. A. Herbert, Mr. E. Horsman, Mr. R. Keating, Mr. H. Labouchere, Mr. G. C. Lewis (now Sir G. C. Lewis), Mr. W. Monsell, Lord Mulgrave, Mr. B. Osborne, Lord A. Paget, the Hon. E. H. Stanley (now Lord Stanley of Alderley), the Hon. C. Villiers, Mr. J. Wilson, the Right Hon. Sir C. Wood. There are now living six Gentlemen who have been Secretaries to the Lord Lieutenants of Ireland. Four of those hon. Gentlemen are Irishmen, and all six voted for the abolition of the office of Lord Lieutenant. They were the Right Hon. H. Labouchere, Sir J. Young, Mr. Horsman, Mr. H. A. Herbert, Lord Naas, and Sir W. Somerville. Of course, the noble Lord the Member for the City of London being at that time Prime Minister, must have brought in the Bill to which I refer, with the approbation of his Cabinet; and among the Members of the Cabinet, who must be regarded as persons acquiescing in, agreeing to, and approving of the measures of the noble Lord, I find the Right Hon. Sir F. Baring, the noble Lord himself, Lord Clarendon, and lastly, the name of Viscount Palmerston. It so happens that the last noble Lord did not vote upon the question, but still I have a right to assume that he approved the proceedings of his chief. I cannot suppose he would withhold his vote for the purpose of saying subsequently that he did not approve the measure; neither can I suppose it possible that any of the hon. Gentlemen who now grace the Treasury bench will so far forget themselves and their former votes as to oppose my proposition. I cannot imagine that they will so far forget what is due to their position as Members of the Government, as Members of this House, as representatives of the people, as honest men, as to forego and forswear their words, and to vote against me on this occasion, even upon the pretence of the "previous question." Mine is a plain and simple proposition. It is to do away with the Lord Lieutenancy of Ireland; it is an appeal to the House to make Ireland really a part of the great kingdom to which she belongs, and to abolish the last badge of conquest; for recollect that Ireland was not united to England in the same manner as Scotland. Scotland had never been conquered; she stood upright before us, and met us on equal terms; she was united as a kingdom over which we never pretended to exercise real control. That was not the case with

Ireland. Unhappily for her—unhappily for ourselves—we conquered Ireland; we introduced into that country a system of rule that was a disgrace to England; but, happily for Ireland, and happily for this country, we have outgrown the mischief and the misery of conquest. We are now a united people; and I ask this House to do away with the last badge of slavery which we imposed upon Ireland; to abolish the Lord Lieutenancy of that country, and to make her what she ought to be—a fractional part of the great kingdom to which she belongs. The thing must be so plain and clear to the intellect of every man, that I therefore move without hesitation, "That, in the opinion of this House, the office of Lord Lieutenant of Ireland ought to be abolished."

Mr. HADFIELD seconded the Motion.

Motion made, and Question proposed, "That, in the opinion of this House, the Office of Lord Lieutenant of Ireland ought to be abolished."

Mr. TORRENS M'CULLAGH said, he felt considerable difficulty in following his hon. and learned Friend. He had ventured to anticipate from him a greater variety of argument in support of the Motion which he had laid before the House; but, whether from dulness on his part, or from some other cause which he was not able to fathom, he had listened to the speech of his hon. and learned Friend without learning on what ground he asked the House to affirm his Motion. The hon. Member for Sheffield proposed to abolish the Lord Lieutenancy because the government of Ireland was carried on so successfully under the system which now existed, and which, according to him, had rendered the country so prosperous that it had nothing to complain of. That was one of the strangest logical reasons he had ever heard of for the abolition of a particular system of government. It was so odd, indeed, that he should not attempt to answer it. His objections to the Motion were twofold. In the first place, he did not think that this was the proper moment for dealing with the question, whatever its intrinsic merits might be. He did not think, with the greatest possible deference to his hon. and learned Friend, whose ability he admitted, whose earnestness he respected, and whose high courage in vindicating his opinions he admired, that he could introduce a Bill at that period of the Session, and carry it through both Houses of Parliament. He also took the liberty of telling the hon. Member for Sheffield that neither he nor any independent Member of the House was the proper person to propose such a change. It might well tax the energies of any Government, and when brought forward at all it should form the subject of a Government measure. His hon. and learned Friend, therefore, was not the man to lead them to unsettle everything that now existed, and that without even attempting to describe what he would substitute for that which he proposed to sweep away. The notice originally given upon this subject by the hon. Member for Sheffield was conceived, he must be permitted to say, in a much wiser and more statesmanlike spirit than that on which they were that night called upon to vote. By the terms of the Motion as first proposed the House would have been asked to affirm the proposition, not that a separate department for Irish affairs ought to be abolished, but the wholly different and opposite proposition—namely, that it had become expedient to commute the antiquated office of Viceroy into an additional Secretaryship of State. The one proposal would have preserved and improved the Irish department of administration, the other would abolish it altogether. He (Mr. M'Cullagh) had told his learned Friend that he was quite prepared to vote for the original proposal, but that he must oppose him if he determined upon altering its scope and tenour so essentially as he had unfortunately done. In 1850, they had had before them a plan for the future government of Ireland. The Bill consisted of two parts. It would be in the recollection of many Members of the House that great emphasis had been laid by both sides of the House on the fact, that the noble Lord the Member for the City of London, when he asked the House to affirm the principle of the Bill, proposed to substitute for the Lord Lieutenant a fourth Secretary of State, and the first reading of the Bill was consented to with that explicit understanding. He well recollected having formed one of a deputation which waited on the noble Lord before the second reading of the Bill, for the purpose of getting an assurance that he would not depart from the terms of the Bill, and that the equivocal wording of the 16th clause, "If Her Majesty should so please to appoint," should be made more explicit and clear. They called on the noble Lord to get an assurance that a distinct department for Ireland should, under all circumstances, be maintained, and that he would not consent to go on with the Bill if it were so altered in Committee as to carry the abolition of the Lord Lieutenancy, leaving Ireland without any substitute. They failed in getting that assurance: upon which the present Lord Fermoy, Mr. Sharman Crawford, the right hon. Gentleman opposite (Mr. Napier), and his colleague, all of whom had abstained from voting on the first reading, found themselves compelled to vote against the second reading. But that was a plan which, if carried out, would have been intelligible, because it proposed that the Lord Lieutenant should give place to an additional Secretary of State. He would not disguise his opinion, however unpopular it might be in Ireland, that he thought it would be a great improvement in the government of Ireland if the sham of royalty were taken away, and the business part of the government of Ireland left untouched, if all the useful part were retained and the useless part removed. He had, therefore, given his vote with great reluctance on that occasion against the second reading. He differed with his hon. and learned Friend in thinking that the business of Ireland could be tumbled, as easily as he seemed to suppose, into the basket of the Home Office. His hon. and learned Friend was under some delusion in thinking that the Home Office could successfully deal with the additional business which would be cast upon it. His humble opinion was, that the experiment would be a total failure. He rested that opinion not on any vague or unsupported impression of his own. What were the words which were used by the Prime Minister of the day, in 1850, when he brought in the Bill? The noble Lord the Member for the City of London said on that occasion—

> "I have always been of opinion that Ireland is a great loser by not having a Minister in the Cabinet to explain the interests of that country, and to enforce the course which he might recommend. I do not believe that the Home Secretary could efficiently discharge the additional duties which would be thrown upon him if the two offices were united."

And he added these memorable words:—

> "I believe it would be better upon the whole to keep the Lord Lieutenancy, with all the disadvantages I have stated, than to attempt to throw this immense mass of business into an office already sufficiently, if not overloaded, with business of the State."

That was also the opinion of Mr. Shiel, who, though he voted for the second reading, used the characteristic phrase, "Ireland and her business won't fit into the Home Office." Taking literally all that the hon. and learned Gentleman said about Ireland being an indistinguishable part of England, some hon. Gentlemen might ask what is the difference in the nature of the duties which the Lord Lieutenant and the Irish Secretary have to perform and those discharged by the Home Secretary. Were hon. Gentlemen aware of the result of the course of business in this House in respect of the legislation of the two countries? The hon. Member for Sheffield spoke as if with a map in his hand, in which he drew lines and parallels, and ignored all distinction between England and Ireland. He said he had no ill-will to Ireland, that he wished to see Irish counties the same as English counties, and Irish parishes the same as English parishes. Did his hon. and learned Friend ever look into the index of his own copy of the statutes? Did he know that since 1850 there were no less than 120 Acts of Parliament passed which applied exclusively to Ireland, and many of these on the most important subjects of legislation? Therefore, there was this difficulty in the way of identity of administration, that into whatsoever hands they confided the administration of the law, that individual must at the same time have his attention engaged by two different codes, which he was sorry to say were irreconcilable and even repugnant in many respects. If this were so, it became no question of the good humour of a few Dublin tradesmen, but of imperial legislation, which involved the most important principles that must every day be grappled with in their whole length and breadth. The question could, therefore, never be settled by a mere Resolution of this kind, or any such shorthand mode of legislation as his hon. and learned Friend proposed. He begged to call the attention of the House to some illustrations of this view. Were hon. Gentlemen aware that the whole criminal administration in Ireland was not only different from, but rested on opposite principles to the administration of criminal law in England? There were no voluntary prosecutions in Ireland. All was conducted at the public expense. It was different in England. There was the Court of Quarter Sessions in Ireland, which was presided over by a paid functionary appointed and removable by the Crown, In England it was not so. In Ireland there was an organized and most efficient system of stipendiary magistrates, Would English gentlemen and magistrates be content to have the same system carried out in England? [An hon. MEMBER: God forbid!] He claimed the vote of that hon. Gentleman on the ground that the two systems were not only different, but repugnant. He was not arguing now which was the best system; but he asked any man whether he knew, or whether he knew any man who knew, how to assimilate the two systems? Again, they had in Ireland a system of primary instruction, complete in itself, very popular, and of long standing. The vital principle of that system was mixed, or as it might perhaps more properly be called—neutral education. In England they had an entirely different system—a sectarian one. How were these to be reconciled? In England, questions on the subject of education were laid before the President of the Council; in Ireland they were referred to the Lord Lieutenant. If the whole business of Ireland were transferred to the Home Office, they might have the Secretary of State, for that department asked two questions on the same evening with respect to neutral and sectarian education, and obliged to answer them in a manner diametrically opposite. Did they wish to place the repugnance between the two systems in still greater contrast by making the same man, in the same place, on the same night, answer for both? There were other very important differences between the law of the two countries. The right hon. Baronet who sat below him (Sir J. Graham) had last year been a Member of the Committee to which the Bills for regulating the equity jurisdiction in Ireland were referred; in them was involved the question of the permanency of the Encumbered Estates Court in Ireland. No doubt the evidence was taken with the utmost care, but the members of the Committee differed widely on many matters. The second Resolution of the Committee declared that it was essential to the wants of Ireland that the power of granting an indefeasible title to land sold under that Court should be perpetuated. Several members of the Committee voted against that Resolution; amongst them were the right hon. Baronet (Sir J. Graham), the right hon. the Member for Oxford, the right hon. the Member for Coventry, and the hon. Member for Enniskillen. He (Mr. M'Cullagh) could not believe they did so from any repugnance on their part to the principle of granting an indefeasible title to land; but they shrank from recommending the House to adopt a principle with regard to Ireland which they could not see their way to carry out in England. These Gentlemen had advocated as consistently as any Members of the House the principle of identity of policy, and they must have opposed the Resolution, not from any objection to its principle, but because they could not hope to extend that principle to the other country. There were many other illustrations which he could give. The hon. and learned Member for Sheffield had told them Ireland was a part of England. Had he forgotten what took place last year, when a very pale water-colour copy of an Irish measure was introduced to the House—they had Whigs and Tories voting in the same lobby, and protesting as to the purity of their intentions to save the country, by rejecting the imposition of a constabulary force? Would any hon. Gentleman rise in the House and say that it was possible to govern Ireland without the aid of the 12,000 men in green? And yet when it was sought to tranfer a very modified copy of the force into this country, the Bill was not allowed to pass until greatly mutilated. It was unfortunately too true that fifty-seven years after the completion of the Union they were still without identity of legislation. So long as their legislation was unassimilated, they must keep a separate department for the administration of Ireland. It was by no means necessary it should be the Lord Lieutenancy; and, for his part, he did not care how soon that obsolete office was swept away, provided they were prepared to deal with the whole question—how is Ireland to be permanently governed? He must, however, oppose this attempt of the hon. and learned Gentleman, when he sought with his flying battery to knock down the clock-tower of Dublin Castle. He admitted people did not look up to it quite so much as they used, and he cared not how soon they removed it, if it could be done without injury to the stability and usefulness of the remaining portions of the structure. He must tell the hon. and learned Member for Sheffield he knew more of the working of the Irish department than he did. He had observed it for many years. He believed there was as much intrigue and jobbery, for those who were disposed to intrigue and jobbery, on this side of the water as on the other, and they were very much mistaken if they hoped to abolish original sin by removing the office to this side of the Channel. The true means to abolish jobbery was to make every department responsible to the House by its head. How could they expect to make the Home Secretary responsible for the Government of Ireland, when the twenty-four hours of the day would not be sufficient for him to get through the business that would be cast upon him? If the present system was a gewgaw and a sham, let the hon. Gentleman give some practical substitute, and suggest an office which would be responsible for all its acts. He trusted that before many months he would have an opportunity of testing the sincerity of those hon. Gentlemen who were so loud in their cheers whenever identity of legislation was spoken of. They had been told by the first Minister of the Crown that at no distant day the representation of the people would undergo revision. Without attempting to scan the intentions of the Government with regard to the exact measure, he would ask the House whether, on this question, it was not now high time, fifty-seven years after the legislative union, to put an end to separate legislation? Would they have separate Bills or one Reform Bill for the United Kingdom? Were they prepared to give all equal rights? They had already given equality of taxation by the extension of the income tax to Ireland; and were they prepared to give a pledge to Ireland that it should be followed up by equality of franchises. Instead of three Bills for England, Scotland, and Ireland, would they bring in one Bill for the three countries, and so make a step towards realising the dream of Mr. Pitt, of a united legislation. If that were done, the picture drawn by the hon. and learned Gentleman might be prophetic. He did not think it necessary to say another word on this subject. He would merely state in defence of the exact Motion of which he had given notice, on the eve of very important changes, he did not think it unreasonable or unseemly to ask the House to suspend its decision until they saw what steps were likely to be taken towards unity of legislation. He had intended to move the adjournment of the discussion for twelve months, but he was informed that that was not in accordance with the usage of the House, and if he had moved the adjournment for six months, it would have been decidedly hostile, so he adopted the only course open to him. The objections which he now urged against this Resolution were the same as had been put forward in 1850 in another place, by one of the greatest men that ever lived, and with such force as to induce the Government to give up their Bill. He would remind the House that since then three successive administrations had not moved in the matter; and with regard to his economical Friends who sat near him, and who were the firmest supporters of this Resolution, if their consciences had allowed them to go on ever since 1850, voting £40,000 a year for what they called a mummery—it was rather hard that at the end of a Session they should seek to disturb and censure an imaginative and suspicious people by rolling up institutions like a foot-ball, and flinging them on the floor of the House for a night's amusement. It was not pretended the hon. and learned Gentleman was prepared to bring in a Bill, or that the Government would do so. If they told the people of Ireland that they were prepared to brand with ignominy existing institutions, how could they expect that people to display any profound respect for institutions so branded? He would not further trouble the House, but begged, according to notice, to move the previous question.

MR. GROGAN said, he begged to thank the hon. and learned Gentleman for the able an telling answer he had given to the hon. and learned Member for Sheffield, which rendered it unnecessary for him (Mr. Grogan) to trespass at any length upon the time of the House. He should observe, however, that he could not agree with him in the conclusion at which he had arrived, believing that, instead of postponing the determination of the question till some future period, he ought, upon his own showing, to have met the proposition with a direct negative. The hon. and learned Gentleman (Mr. M'Cullagh), however, had in a very skilful manner recapitulated the main arguments adduced upon former occasions against the abolition of the office of Lord Lieutenant in Ireland, and had done particularly good service by alluding to the strongly-expressed opinion of the Duke of Wellington, whose statements he (Mr. Grogan) begged to recommend to the consideration of any hon. Member who might be disposed to support the Motion before the House. It was impossible that any man could condemn such a project in stronger terms than those employed by the Duke of Wellington. It was important to remark that the hon. and learned Member for Sheffield had submitted an abstract proposition for the abolition of an office which, under one name or another, had existed for centuries in Ireland, without advancing one argument in its favour, further than what might be comprised in such epithets as "sham," "tinsel," and the like. There could be no doubt that in legislating for the two countries Parliament had always drawn a broad distinction between England and Ireland, and yet, in the face of the fact that the latter was governed by laws peculiar to itself, the hon. and learned Gentleman had not given the slightest indication of the mode in which he would attempt to provide a substitute for the local administration which he proposed to abolish. Upon a question of such vital importance to the whole of Ireland, but especially to the inhabitants of Dublin, whose interests would be injuriously affected by the abolition of the office of Lord Lieutenant, the hon. and learned Member for Sheffield ought to have paused before he submitted a proposal which could only have the effect of disturbing and irritating the minds of the Irish people, without leading to any practical result whatever. Supposing the House were to adopt the proposition of the hon. and learned Gentleman, there must be some officer on the spot who would be able to discharge the functions which the Lord Lieutenant now performed, and the question immediately arose who was that officer to be. Was it to be the Lord Chancellor, or the Lord Mayor of Dublin, the Commander of the Forces, or the Chief Secretary? If the last-named Gentleman were chosen, he must necessarily be absent during six months of the year from the seat of his Government, attending to his Parliamentary duties; and how during that time was the administration of Ireland to be carried on? The truth was that the proposition of the hon. and learned Gentleman was utterly impracticable. He had certainly mentioned a number of hon. Gentlemen who had filled the office of Chief Secretary as well as other public men who coincided in his views on that question, but he (Mr. Grogan) could cite the opinions of equally distinguished statesmen to show that the project had been condemned in the strongest terms by nearly all the principal authorities connected with the Irish Government. Mr. Goulburn, the late Earl of Ellesmere, and Sir Robert Peel, who had all been Chief Secretaries, united in opposing the abolition of the office of Lord Lieutenant, supporting their opinion by the most cogent and convincing arguments. Earl St. Germans, then Lord Elliot, in 1844, when the subject was brought before the House, in opposing its abolition, stated that there were many criminal cases in which questions of appeal were constantly being urged upon the attention of the Lord Lieutenant, and he asked what were the relatives of those interested in such appeals to do if there were no authority in Ireland to appeal to? Mr. O'Connell, also Sir John Newport, and, indeed, every distinguished Irishman, with any pretensions to patriotism or statesmanship, urged the necessity of continuing the office until, at all events, some approach were made towards uniformity of legislation for the two countries. [Mr. Roebuck: Hear, hear!] The hon. and learned Gentleman seemed to share in that opinion; but he would remind the hon. and learned Member that all attempts to introduce a perfect equality between the two countries met in that House with a strenuous and successful resistance. A few years ago, when Ireland was reduced to a state of the deepest suffering, it was declared that she had no claim to relief from England, and that she should herself provide for the maintenance of her own poor. He admitted that he appeared before them as the special representative of Dublin, but it should be remembered that it was impossible to pass any measure calculated to inflict injury upon the city of Dublin without at the same time inflicting injury upon the interests of the whole country. At the time of the Union a very large portion of the nobilty and wealthy gentry of Ireland resided in Dublin, but since that period nearly all those persons had disappeared from that city, and had become absorbed in this vast metropolis. At the period of the Union there resided in Dublin 1 duke, 3 marquesses, 41 earls, 21 viscounts, 19 barons, 4 archbishops, and 12 bishops, whose annual incomes, expended exclusively in Dublin, amounted to £2,000,000. In 1831 there resided in Dublin, 2 archbishops, 3 bishops, 5 earls, and 3 barons, whose annual incomes, expended there, amounted to £96,000. In 1850 there were resident in Dublin only 1 archbishop, 1 duke (occasionally), 1 earl, 1 baron, exclusively of the law barons, and the entire sum expended annually by them in the city did not exceed £20,000. If, during the last fifty-seven years, so vast an injury had been inflicted upon Dublin by the withdrawal of most of its wealthy inhabitants, surely such a proposition as that put forth by the hon. and learned Member for Sheffield ought to be backed by stronger arguments than empty phrases about "tinselled Royalty." The absorbing attractions of the imperial metropolis had so increased the evil of absenteeism, that had always prevailed to some extent in Ireland, as to result in the state of things which now prevailed. The only attraction left for Dublin was the Lord Lieutenant, and it was not the small outlay of the money voted by Parliament for the maintenance of the Viceregal Court that rendered it important to uphold that office, but because it was the means of inducing country gentlemen and their families to visit the city, in order to pay their respects to the representative of their Sovereign. If the office of Lord Lieutenant should be abolished, some other office must be created to perform the duties, and if the idea of another Secretary of State was entertained, the objections urged against it in 1850 by Sir Robert Peel still remained in full force. It was true that that eminent statesman did not oppose the introduction of the Bill, but he expressly stated that he left the responsibility of it to the Government. He (Mr. Grogan) objected to the Motion as uncalled for, as distasteful to the citizens of Dublin and to the people of Ireland, and he hoped the House would not assent to the Resolution of the hon. and learned Gentleman, as no reason had been shown for it on the ground of State necessity. If any attempt was to be made to assimilate Ireland with England, it should commence with other matters, and if an exceptional system of legislation was to continue he could not see upon what ground the House could be called upon to adopt the proposition which was now submitted to it.

Mr. WHITESIDE said, if the notice of Motion of the hon. and learned Gentleman had stated that the terms upon which Ireland should be governed ought to be similar to those upon which England was governed, and, pursuing that principle, had gone on to declare that it was desirable that inquiries should be made as to the best mode of carrying out that object, he would have voted for it, because he was compelled by a respect for truth to admit that the Government of Ireland was very inefficiently conducted; but he did not believe that the isolated Motion of the hon. and learned Gentleman would effect the object which he, no doubt, desired to gain. There were about forty Acts of Parliament imposing duties of an important nature upon the Lord Lieutenant, and an office, which has existed for six centuries, and is so greatly mixed up with the general government of the country, could not be abolished without previous careful inquiry as to whom those immense powers should be transferred, and in what way they should be exercised. That, as it struck him, was a fatal objection to the Motion of the hon. and learned Gentleman in its present form. He could not, however, conscientiously say, that he was so great an enthusiast as he was in his younger days, for the maintenance of the Lord Lieutenancy; and, therefore, if he heard an intelligible plan proposed by the Government for the abolition of the office—a plan which would not, like so many other measures of Irish legislation, make matters ten times worse than they were before—he would be prepared to give it his most careful consideration. The argument used in favour of the Motion was, that it was to assimilate Ireland with this country, but what was being done at the present moment? He (Mr. Whiteside) had had to complain a few nights ago that a different statute law was sought to be imposed upon Ireland from that which was passed for England, and on that very day they had on the notice paper a Bankruptcy and Insolvency Bill for Ireland which was quite different from the law upon the same subject, which was acted upon in this country. As long as those who styled themselves Liberal Members sanctioned that provincial system of legislation for Ireland, it would be difficult for the hon. and learned Gentleman to carry out the Imperial principle for which he contended. Ireland was at present tranquil, but not contented. He (Mr. Whiteside) was a Protestant and a Conservative, but he must say, that were Ireland as far removed from England as Canada was, the system of government that was now adopted would soon be blown to pieces as easily as a house of cards. This country had to govern 6,000,000 of people i Ireland. He had seen Ireland governed by three estimable persons, no doubt, Lord Carlisle, the right hon. Member for Stroud (Mr. Horsman), and a colonel of engineers. Did hon. Members suppose that, if Irishmen had the power to resist it, they would endure a system of government under which three gentlemen, however respectable, were appointed to administer the affairs of a country with which no one of the three persons named were connected by property, birth, or education? Were they to be told that that was a system which they ought to admire? The right hon. Gentleman the Member for Stroud was beyond all doubt a man of character and honour, and had done in Ireland no act which a gentleman need be ashamed to acknowledge; but the right hon. Gentleman must excuse him for saying that, in his part of Ireland the people hardly knew by whom the office of Chief Secretary was filled. As to the supposition, at all events, that the influence of the right hon. Gentleman or of the noble Lord at the head of the Government would enable them to carry an election in Ulster, it was one which it was perfectly ridiculous to entertain. The whole county representation of Ulster was, with one exception, on those (the Opposition) benches, and yet their very existence seemed to be altogether ignored by the Government. They did not, however, address to them any complaints, because they knew that their complaints would receive no attention; but, if he were to give expression to a complaint upon their behalf, he would say that the local Government of Ireland was opposed to nine-tenths of the industry, the intelligence, and the intellect of its people. Well, what were they, of whose feelings and opinions he was the representative, to do? They could not agitate. To do so would be against their principles. He would, however, inform the noble Lord what course they were prepared to take, and he was sure that he would be obliged for the information. They meant, if they could, to obtain through the good sense of the people, such an influence in point of numbers in that House as would enable Ireland, whether through the medium of a Lord Lieutenancy or without its aid, to be governed as she ought to be. As matters at present stood, there was scarcely a question of national importance with reference to which, as far as he could see, the Executive in Ireland possessed any power worthy of the name. The noble Lord at the head of the Government was aware that the representatives of that country were obliged to visit him occasionally: and why? Because there was no one connected with the Executive in Ireland with whom he was acquainted, from whom satisfactory information on matters of national interest and importance could be obtained. When, therefore, the question of placing the administration of the affairs of Ireland in the hands of a responsible Minister was raised in a proper form, he should be disposed to give to any such proposition a candid and impartial consideration. They who talked so loudly of the expediency of assimilating Ireland with England in all respects had been endeavouring, during the last three years, to bring about a more rapid means of communication between the two countries, and even in that simple attempt they had failed. The Circumlocution Office here, with its writing backward and forward upon the subject, had not accomplished in a period of three years that which his late friend Mr. Hartley, director of the Peninsular and Oriental Steam Packet Company, would have effected in a single week. Such was the system to which Ireland was subjected; but it was the intention of those of whose interests he was the advocate, to return to Parliament, if possible, a class of men such as those who sat upon his side of the House —men who had the welfare of their country at heart, and who had no jobs to perpetrate — [*a laugh*]. The noble Lord smiled, but if he knew anything of Ireland —a country which I dare say he had not visited for a long time—he would feel how unstatesmanlike it was to continue a system which excludes from all power in their own country the people who have made the northern province of the island so prosperous. When Mr. Buchanan, the President of the United States, was in this country, he had had the pleasure of meeting him, and had ascertained from him that he derived his origin from the same part of the world as himself. Now, those whose interests he was upholding could turn out fifty men as good as Mr. Buchanan; yet that gentleman was esteemed to have capacity sufficient to govern a great empire, while his (Mr. Whiteside's) countrymen were scarcely deemed competent to furnish an Under Secretary. Such was the system by which Ireland was ruled. He did not wish to complain of it, but the Motion which the hon. and learned Gentleman had brought under the notice of the House compelled him to speak the truth. He had no desire to raise the question of nationality against nationality, because his own attachments, political and religious, as well as the feelings of those whom he represented, were with England. They would never be found backward, when it became necessary to fight against any of our present allies. He made that statement deliberately; but while he and they entertained those sentiments, let no man suppose that the Irish had not strong feelings of nationality, and were not fully alive to the viciousness of that principle in accordance with which Ireland was governed. Let nobody imagine that they were anxious to encourage a system of jobbing or of misrule, or any of those other systems which the hon. and learned Gentleman the Member for Sheffield has been pleased to denounce. The principle, from the adoption of which they had of late received the highest satisfaction, and which they approved, was that which the noble Lord the Member for the West Riding (Viscount Goderich) sought to carry into effect—he meant the principle of competition for the public service. That was a principle which had conferred a great benefit upon the middle classes. All he asked for was, a clear stage and no favour. If the Roman Catholics could then beat them, he, for one, should not object. The hon. and learned Gentleman the Member for Sheffield has spoken of promotion here and there, but he (Mr. Whiteside) would not enter further into that question than to say, that the right hon. Gentleman the Secretary for the Home Department would, he felt assured, have hesitated long before he would make in England such appointments as many of those which had been boldly made in the sister country. [*Cries of* "Name, name."] It could be of no use to mention names, because to do so would not be to argue the question before the House. It might be urged that it was but natural that the ties of party should exist, and that appointments should be conferred in accordance with that principle. Granted; but the noble Lord at the head of the Government must excuse him if he called things by their right names, and denominated the persons referred to not as a party, for the noble Lord has no party in Ireland, but by the more appropriate appellation of "clique." The noble Lord might very properly say, "we ought to support those by whom we are supported." Very fair, and he might add that neither he, nor those whose cause he espoused, had any personal dislike to the noble Lord, who had, or was supposed to have, some Irish blood in his veins; and he could assure him, that they were rather pleased, from that reason, to find him made First Minister of England. But then came the question, upon what conditions did the noble Lord obtain the support to which he had alluded? He should answer that question by stating, that not all the patronage which the noble Lord had it in his power to bestow could induce him, or those whom he represented, to enter into coalitions of whose object they could not approve. Let the noble Lord govern Ireland as he governed England; they asked for nothing more. If the hon. and learned Gentleman the Member for Sheffield were to bring forward his Motion avowedly with that object, and then proposed an inquiry to ascertain, whether it would not be better to exchange the Lord Lieutenant of Ireland for a responsible, influential Minister, representing Ireland in the Cabinet, he would promise to give the question an impartial and dispassionate consideration, and if he were convinced by the arguments of the hon. and learned Gentleman, he would at once admit that he was not so deeply enamoured of the office of Lord Lieutenant, nor did he think the inhabitants of the north of Ireland were so zealous in its behalf, as to render him quite sure that he should very strenuously oppose its abolition. He could not, however, give his support to a Motion which had been brought forward in the abrupt manner in which that of the hon. and learned Gentleman had been submitted to their notice.

Sir WILLIAM SOMERVILLE said, he thought the hon. and learned Gentleman who proposed the Motion had ample reason to be satified with the course which the debate had taken; for, with the exception of the hon. and learned Member for the City of Dublin, not one hon. Gentleman who had spoken had said anything in favour of maintaining the Lord Lieutenancy. It was his intention to vote for the Motion; and, having been for a considerable period connected with the Government of Ireland, he hoped he should be allowed to trespass on the attention of the House for a short time, while he stated his reasons for pursuing that course. The Motion was one of considerable importance, inasmuch as it sought to effect the abolition of an ancient and time-honoured office, which had extended its ramifications through the legislation of the country, and which should not be lightly thrown overboard. All that the learned Gentleman, however, asked them to do was, to come to a decision as to whether that office should or should not be continued, and if the House decided in the negative, then it would become the duty of the Executive to take into consideration the means by which that decision was to be carried into effect. This was not the first time that the question of the abolition of the Lord Lieutenancy of Ireland had been brought under the consideration of that House. At a period when he had the honour of holding a subordinate position in the Government of Ireland, the noble Lord the Member for the City of London introduced a Bill for the purpose of effecting that object; and he (Sir W. Somerville) had seen nothing, and heard nothing since, which had in any degree altered the opinions which he then expressed on the subject. He regretted very much that the noble Lord was not then in his place, and still more did he regret the cause of his absence; but he was happy to be able to say that he knew what were the opinions of the noble Lord in reference to the Motion before the House. He knew that if the Government opposed the Motion, it would not have been the noble Lord's wish unduly to hurry or press it, and that he would, therefore, have abstained from voting on that occasion. But he also knew that the noble Lord's opinions as to the desirableness of abolishing the office had undergone no change. He knew it to be his opinion that the conciliatory measures which had of late years been adopted towards Ireland, the fact that the distance between the two countries was no longer an element in the question, and the advantages which were afforded by direct intercourse between Ireland and Whitehall, constituted overwhelming reasons why the viceroyalty should no longer be maintained. This question might be considered in three or four points of view. In the first place, it might be considered in a financial point of view; but it would be beneath the dignity of that House to decide such a question with reference to finance. The saving of £5,000 or £10,000, or even £500,000 a year, was as nothing compared with the consideration in what manner Imperial interests, as well as the interests of Ireland, might be best promoted. The question was one which did not regard Ireland alone, and he did not wish to deal with it as if it did. On the contrary, looking at it as it affected the Imperial interests, he was decidedly of opinion that they would gain immensely through the Executive Government being carried on entirely in this country. It was the custom with many to declaim against centralization, but he thought centralization was not in all cases an evil. The present system of Government in Ireland was a roundabout and unsatisfactory system. The Lord Lieutenant was charged with the Executive Government of Ireland, but, though charged with it, he did not in reality administer it; he was obliged to refer to the Secretary of State in this country for instructions. The Secretary of State was invested with the chief power over affairs in Ireland; but then matters peculiarly affecting the Government of Ireland were referred by him to the Lord Lieutenant. Then there was the Chief Secretary for Ireland sitting in that House, as the organ of Government with regard to such affairs, but who was also the Secretary of the Lord Lieutenant. He might here observe, that the device which had been resorted to for the purpose of meeting the anomaly in that case, namely, that of placing the Irish Secretary in the Cabinet, did not in reality cure the evil; for, when Parliament was not sitting, the Chief Secretary retired to Ireland, and being no longer associated with his colleagues in giving directions to the Lord Lieutenant, became his subordinate. In his opinion, Irish as well as Imperial interests would gain by the abolition of the Lord Lieutenancy. He wished to see Ireland possessing the advantage of having a Minister of the Crown charged with the duty of ascertaining her wants, promoting her interests, and securing for her just claims, proper, fair, and immediate consideration. Ireland would, in his opinion, be a great gainer by such a change. She did not want a double Executive; the two Executives, clashing together so as to weaken each other, and lead to unsatisfactory results. There was not, in the whole world, an office so anomalous in its nature as that of the Lord Lieutenant. The Lord Lieutenant was not like a Colonial Governor, with a distinct territory to govern; he was not like an ambassador living at a foreign court, because he was, in fact, deputed to govern a portion of the United Kingdom. He was not, in truth, a Viceroy—because he was deprived of that consideration and those immunities which ought always to attach to such an office. The hon. and learned Member for the City of Dublin (Mr. Grogan) had cited the opinions of different Chief Secretaries for Ireland as to the mischievous consequences which would have arisen at different periods, had the office of Lord Lieutenant been previously abolished. He (Sir W. Somerville) did not understand the hon. and learned Member for Sheffield to contend that the office was one which ought never to have been maintained; what he understood him to say was, that the time had now arrived when it might be safely and beneficially dispensed with. That, at all events, was the opinion of several Chief Secretaries who had given their attention to the subject. The state of things in Ireland was very different now from what it was formerly. Prior to the Union, the office of Lord Lieutenant was an office of great power and responsibility; it continued so for many years, even after that event; but, from the time of the passing of the Catholic Emancipation Act and the Reform Bill, it became less and less important in a political point of view, while, as regarded the social aspect of the office, the Viceroy could hardly be said to represent the Queen, when he was deprived of the immunities and considerations which were due to his position. The Lord Lieutenant was abused, vilified, and blamed, as if he had the power of a Minister in this country. Was that a proper position for the Viceroy of the Queen? He had been struck more than once by observing, when a change of Government had recently taken place, the residence of the new Viceroy was deserted by one portion of Her Majesty's subjects, while there was a rush of another portion to his *levée*, as much to mark disapproval of the acts of his predecessor as to manifest approval of such acts as were expected from himself. If the Lord Lieutenant belonged to one party, he was distrusted by the other; if he endeavoured to hold, and succeeded in holding, a middle course, he was perhaps distrusted by both. He maintained that this was a state of things which was mischievous, not merely to the empire in general, but to Ireland in particular; it was a state of things which ought not to be allowed to continue—a state of things which, instead of allaying the spirit of party, tended to encourage and foster it. He had touched on the question of centralization. He had heard an apprehension expressed that, if the Lord Lieutenancy were abolished, the abolition of the Irish courts would follow. In what respect, he asked, did the case of Ireland differ from that of Scotland? If the courts of law in Scotland had been maintained so long after the union of Scotland and England, was there any reason to suppose that if, fifty-seven years after the union of Ireland and England, they got rid of the office of Lord Lieutenant—an office of no power, but involving divided responsibility—was it to be believed for a moment that such an act as that would lead to the breaking-up of the Irish courts, and the transfer of all their business to this country? No one, he thought, could deliberately consider that part of the question without being led to the conclusion that the fears which had been expressed were groundless. The hon. and learned Member for Dublin (Mr. Grogan) had especially, and very naturally, taken the part of the city which he represented, and had remarked that the abolition of the Lord Lieutenancy would be detrimental to the interests of Dublin, and therefore detrimental to the interests of Ireland. What would be detrimental to the interests of Dublin would perhaps, to a certain extent, be so to those of Ireland; but he had a strong conviction that the abolition of the Viceroyalty would not injure either. It had been said that a number of individuals in Ireland who now went to Dublin for the purpose of attending the court, would, if the Lord Lieutenancy were abolished, remove from Ireland, and settle in England. Now, he felt convinced that the abolition of such an anomaly as the Lord Lieutenant must take place some day—that, in short, it would not be continued very long, and he confessed he should like to see the names of those Irish gentlemen who were likely to be influenced in that manner by such an event. The absenteeism of Ireland had been caused more by the imperfect nature of the communications between the two countries than by anything else. In proportion as the means of communication had been improved, absenteeism had declined; and he would venture to say that, if his hon. Friend the Secretary to the Treasury would come to an agreement with the railway and the steam-packet companies, for the purpose of improving the communications between the two countries as far as possible, he would thereby have done more towards doing away with absenteeism in Ireland, and inducing inhabitants of this country to settle in Ireland, or pay it occasional visits, than had been done by all the Lord Lieutenants that had ruled over the country. He remembered that when the noble Lord the Member for the City of London brought forward his Bill for the abolition of the Lord Lieutenancy, he announced that it was the gracious intention of Her Majesty to visit Ireland occasionally, should the Bill pass, and to hold *levées* there. Of course, if that gracious intention were carried into effect, it would go far to remove the objection to which he had just referred; and he certainly could not understand why the minor constellations of Dublin Castle should be imagined to have produced a greater effect than might be expected when the brilliant rays of the royal luminary had taken their place. The removal of the Irish Viceroyalty, instead of denationalizing the country, would, in his opinion, unprovincialize it. Ireland would be just such a nation as she now is, but more imperial in character, though no English nobleman was reigning in Dublin Castle. He believed, with the hon. and learned Member for Sheffield, that the existence of the Viceroyalty was a badge of inferiority, and thinking that its abolition would promote the interests of the empire, and of Ireland, and would not even injure the City of Dublin—that it would tend to allay party feeling, and to unite all parties more and more in one common bond of unity, and under one Imperial Government—he should, in accordance with the course which he pursued in 1850, record his vote in favour of the Motion.

Mr. VANCE said, that though he was the representative of that city which, as the seat of Government and the residence of the Lord Lieutenant, would be most affected by this Motion, nothing would induce him to stand up for the mere interest of one individual city if he were not satisfied that the abolition of the Irish Viceroyalty would be fatal to the interests and degrading to the political condition of the whole country. He therefore felt it his duty to give the Motion the most direct negative in his power. The hon. and learned Gentleman, without possessing any familiar acquaintance with Ireland on the subject of the Motion, came forward to abolish an office which had existed from 1178—an office which in times of trouble had been the very best instrument for suppressing revolt, which during peace fostered the arts and sciences and encouraged commerce, and the holder of which was able to mediate in many of the unfortunate differences which existed in Ireland, and by a splendid hospitality to bring together men of all creeds and opinions, and thus cement together the good feeling of the various classes of the community at large. The hon. and learned Gentleman was wrong in his statement that the Attorney and Solicitor Generals of the late and the present Administration were never brought together at the Castle; he himself had seen them there in social intercourse, thus proving the ameliorating and softening influence of the institution. The hon. and learned Gentleman, however, seemed to fancy that the mantle of the late Mr. Hume had fallen upon his shoulders. That Gentleman, in 1823, was the first person to propose the abolition of the Lord Lieutenancy, and the reason he gave was that the Lord Lieutenant was a high Tory, permitting nobody, as far as he was concerned, to hold office, except Protestants and persons of his own political views. Well, very much the reverse of all this was the case at present. In 1830 Mr. Hume again brought forward the subject, but then he did not venture to demand the abolition of the office, but contented himself with asking for a Committee to inquire into the better government of Ireland, and the complaint then was that the Lord Lieutenant was in the habit of bringing over a great number of English dependents, and putting them into the high offices of State. Now, no complaint of that sort could be made at present; Irishmen, he believed, shared fairly in the distribution of offices of trust. In 1844 Mr. Hume stated that the existence of a Tory Lord Lieutenant in Ireland was an incentive to the agitation for the repeal of the Union. Now there was no agitation, though he was not altogether sure that there might not be if the Motion of the hon. and learned Gentleman were successful. On the next occasion when this subject was discussed it was introduced by the noble Lord (Lord John Russell), who, however, stated distinctly that, unless the Administration of the day thought the time had come when this office should be abolished, it ought never to be abolished by any amateur legislation. At that time, as stated by the right hon. Baronet (Sir W. Somerville), there was a strong political feeling in Ireland, and the Lord Lieutenant's *levées*, as in the case of the Marquess of Normanby, were not frequented by those who differed from him politically. Irishmen, however, were growing a great deal wiser; at the present day there was no distinction whatever as to the gentlemen who attended the *levées*; men of all opinions and persuasions were there; he himself (Mr. Vance), though he might be called something of a high Tory, had been a constant attendant at the Castle *levées*, and had shared in the present Lord Lieutenant's munificent hospitality. The right hon. Baronet had observed that Her Majesty might visit Dublin and hold *levées* there, but he thought that any one who considered the matter must perceive that the fitful stimulus thus imparted to the inhabitants of this city by visits of that kind, occurring at intervals of two or three years, would be rather detrimental than otherwise, on account of the reaction which would follow. As regarded the statement that economy would be affected by the measure proposed, he believed it would bring about no saving whatever. There must be a central authority in Ireland, and this must exist in the form of a Secretary of State, who would hold the peculiar views of the Administration to which he belonged, and would be looked upon with a suspicion and dislike which the Lord Lieutenant at present by no means encountered. In 1850, Sir Robert Peel said if the Viceregal Court were withdrawn the city of Dublin would have a claim for equitable and liberal compensation. Was the House prepared to give pecuniary or other compensation for the withdrawal now proposed? On the same occasion, Sir Robert Peel, who, having been Secretary for Ireland, and having spent much of his youth in that country, was well acquainted with its condition, stated that the withdrawal of the Lord Lieutenant would undoubtedly increase absenteeism. The nobility who would flock over to attend Her Majesty's Court would make a much longer stay in London than would be agreeable to their tenantry or to the citizens of Dublin. In addition to this, almost all the noblemen who had held the high position of Lord Lieutenant of Ireland had declared that it was undesirable, inexpedient, and would be most injurious to both countries to abolish that office. This opinion had recently been expressed by Lord Eglinton, Lord St. Germans, and the Earl of Carlisle; and it was not to be supposed that high-minded noblemen would entertain such views merely because they had themselves for a short time held that high position. In order to ascertain what would be the effect of the withdrawal from the city of Dublin he wrote to one of the leading house-agents of that city, and in reply his correspondent said—

> "I am clearly of opinion that such an event would be most detrimental and most fatal to the value of house property in Dublin and its vicinity. At present it is the custom of the landed gentry to spend several months of the winter and spring annually at Dublin to meet their friends and to introduce their daughters. They return then to their country seats, and in the summer and autumn they come up for some months to Kingstown, or some other of our attractive watering places near Dublin. If the Viceregal Court were abolished the many important advantages attending these habits would be lost, not only to Dublin, but to Ireland, for the result would be, that generally all such persons would hereafter make their visits to London, and then to Brighton and Paris, and in all probability would thus be led to become general absentees."

The accommodation at Her Majesty's Court was already insufficient even for the English people, and it would be unfair to subject Irish ladies to the torture which their sisters in England had lately had to endure. He could assure the House that the withdrawal of the Court would be considered an additional stamp of degradation upon Ireland. They had already in the Parliament House a monument of the national degradation and disgrace. Let them not add another in the deserted courts and state rooms of the Castle of Dublin. Although Dublin was not to Ireland altogether what Paris was to France, it yet exercised a considerable influence over the Irish people. The adoption of this Motion would lead to the greatest dissatisfaction and the greatest exasperation, and would do as much as could be accomplished by any other measure to revive the agitation which was now happily quelled, but which existed to so great an extent only a few years ago.

MR. BAGWELL had thought that the reforms of the great reformer of the day, the hon. and learned Member for Sheffield, would have consisted of something more than he now proposed. A very clumsy workman indeed could pull down a house, but it required an architect to build it up. The hon. and learned Gentleman had, in his own mind, pulled down what he called this fictitious Court, but he had not proposed to put anything in its place. The question must be argued more systematically and be supported on much stronger and more statesmanlike grounds than those given by the hon. and learned Gentleman; and as an Irishman, who had all that he possessed in Ireland, he (Mr. Bagwell) must see something more than pulling down before he gave a vote for the destruction of the system under which Ireland had been governed for so many years. At the same time it was a national question, but looking at the public interest, he would ask the hon. and learned Gentleman and the House whether it was right to introduce a measure of reform which had not been called for by the people? There had been no movement in favour of the abolition of this system of Government in Ireland, nor had there been any demand for it on the part even of Irish Members. The Irishmen who had supported the Motion were unable to obtain seats in their native country, and had spoken, not as Irishmen, but as Englishmen. Unless the people of Ireland made a movement in this direction it was not competent for Parliament, looking to the country as its guide, to legislate upon this question. He would also remind the House of the great increase of friendly feelings towards England which now prevailed in the sister island, and ask whether they would alter a system which had produced so beneficial a result. The hon. and learned Member for Sheffield had referred to the Act of Union as the measure of an Irish, and, as if to give additional sting to the remark, of a Protestant Parliament. He believed that owing to the corruption which prevailed the Union was necessary, but considering the means by which it was carried, and the way in which the Irish people were at that time swindled out of their rights, he must protest against an Act of the Irish Parliament being brought forward in support of this Motion. On the contrary, that the real wishes of the people of Ireland were not attended to on that occasion was a strong reason why they should be consulted on this. It was said that there was a great deal of intrigue at Dublin, and no doubt that was true; but would any one tell him that there would be less intrigue in Downing Street than at Dublin Castle? The House ought to consider this question with reference to the feelings —prejudices, if they would—of the people of Ireland, and it would be time enough, when the people called for the abolition of the Lord Lieutenancy, for the Government to interfere and to bring forward a comprehensive measure on the subject. If such a measure would, in his opinion, produce the good government of Ireland, he would support it. At present, however, Ireland was a distinct country, and until it became more amalgamated with England no such measure could be carried into effect.

Mr. MAGUIRE: Sir, I altogether repudiate the maudlin sentimentalities of those hon. Gentlemen who are ready to weep over the abolition of the Lord Lieutenancy, but who have no tears for the lost liberties of their country—of those who were indifferent when the Parliament House of their native land was converted into a bank, but who shriek with horror at the picture of the Castle of Dublin shorn of its mimic splendour—of those who, when the mass of the Irish nation struggled to restore the plundered Legislature of their country, were the foremost in their resistance to that appeal in behalf of national liberty, but who are now for the retention of a sham royalty and a mock court. As an Irishman, I protest against the tone in which this subject has been treated by those gentlemen who specially represent the city of Dublin, but who affect to speak the voice of Ireland. I give them every credit for their zeal; but I am unwilling that a subject, by no means of vital importance to the well-being of the country, should be swollen, by exaggeration, into one of gigantic magnitude. The question of retaining or abolishing the office of Lord Lieutenant is one which Irishmen may afford to approach in an impartial spirit, and without enthusiasm on one side or the other. For my part, I must admit that my own feelings have undergone a total change with respect to the retention of this office; but that change has been forced upon me by a thorough conviction of its utter worthlessness for really practical purposes of Government and administration. The exaggerations of the hon. Members for Dublin might be safely tested by the calm, able, and instructive speech of the right hon. Baronet the Member for Canterbury, who understood the question thoroughly, and who has shown to the House how utterly helpless and powerless the Irish Viceroy is, and how little he can accomplish for the benefit of the country over which he affects to rule. I confess I listened to that speech with the greatest interest, and I am not ashamed to acknowledge it has made a profound impression upon my mind. The two hon. Gentlemen who represent the millinery interest of Dublin have, no doubt, conscientiously and faithfully discharged their duty to the "shamocracy" of that city; but they have indulged in exaggerations such as no self-respecting Irishman can for a moment sanction. One of those hon. Members has described the Lord Lieutenants as the patrons of arts and sciences, and the promoters of the commerce of Ireland. Why, in what parts of Ireland does commerce flourish? Is it in Dublin, or is it in Belfast, or Cork? Does Dublin monopolise the commerce and the industry of Ireland? What, I ask, has the Lord Lieutenant ever done to promote the commerce or to stimulate the industry of Ireland. There was no Lord Lieutenant in Belfast; and where was there more enterprise, more industry, and greater self-reliance? How does Cork get on, or how does Limerick exist, considering that these cities are only rarely blessed with the presence of that exalted official, whose loss we are assured would be attended with national ruin? Thank God, I say, there is no Lord Lieutenant in Belfast; and I feel delighted that there is not one in Cork. In those northern and southern cities they get on very well without his aid. Without the sunshine of his countenance their manufactures, their trade, and their commerce prosper; nor are they one whit less intelligent or independent because they rarely see the face of a Lord Lieutenant. They want neither an Eglinton nor a Carlisle to render them industrious, enterprising and self-respecting; and the hon. Gentleman who thus expressed himself can only be excused on the ground of excess of zeal, when he tells this House—when he tells Irishmen, who know that the office is a mockery and a sham—that the Lord Lieutenant has promoted the trade or the commerce of Ireland. The junior Member for Dublin eclipses his hon. Colleague in his lamentations and in his exaggerations. Not only does he attribute the peace and tranquillity of the country to the existence of this office, but he goes so far as to assert that the prosperity of Ireland is owing to the holder of that office. To attribute the peace and tranquillity of Ireland to the existence of the Viceroyalty is, at the best, an immense exaggeration; but I do not hesitate to say that to attribute to the Viceroy the prosperity of that country is downright blasphemy. [*Cries of* "Oh, oh!"] I repeat this most deliberately. The prosperity of Ireland is not owing to any human creature, but to that Great Being who presides over the destinies of mankind. He it is who has blessed their harvests. He it is who has given them abundance. It is that Great Being who has removed a load of misery from the hearths and the homes of the people of Ireland. I deny that the Irish Viceroy has in any way contributed to bring about that happy change, which, as an Irishman, I gladly recognize, and which, as a Christian man, I attribute to the mercy of God alone. I contend, then, that the attempt to trace these blessings to the influence of a mock sceptre and sham court, is downright, palpable blasphemy. Now, while I deny that the Lord Lieutenant has done all those wonderful things for Ireland which the hon. Members for Dublin would have the House believe, I freely admit that the Government are much indebted to the present Viceroy; for that noble Lord has done his very best to render himself popular. He has actually mastered all the national dances; and such is the extent of his acquirements in this graceful art, that I verily believe he is equal to any achievement, from the dash and splendour of Sir Roger de Coverley to the intricate mysteries of the double shuffle. I am sure the noble Viceroy has made himself master of these dances out of respect to a dance-loving nation, and in order to place himself upon a good footing with all classes of the people. Lord Carlisle has also proved himself a most eloquent eulogist of Irish bulls; and I would say he has done more to indicate the points and perfections of the national pig, and to render his hearers enamoured of the beauty of that animal, than any Viceroy who has blessed the country with his presence. Moreover, he has ever spoken in the most graceful and propitiatory manner of the national traits of character, and makes the people in love with themselves. To the Government he has done service still more immediate—in a political way; for not even the celebrated Coppock himself is a better electioneerer than Lord Carlisle. The noble Lord, so far as it is possible for a human being, even a Lord Lieutenant, to be so, was omnipresent during the late general elections. He might be said to be everywhere, in borough and in county. Nothing was too great for his genius, nothing too minute for his power of detail. There was not a borough in Ireland—especially a small borough—where he had not a finger in the pie. I admit, candidly, that the noble Lord is an admirable electioneerer; but what real benefit he has ever conferred, or is ever likely to confer, on Ireland, has, in my mind, yet to be discovered. I have myself gone to the Castle—not to bow and scrape before sham Majesty—but upon public business. And on those occasions the Lord Lieutenant of the day has been obliged to admit, practically, the mockery of which he was the embodiment. It is evident to every one who goes on real business to the Castle, that the Viceroy has no power, no authority—that he is a kind of political post-office—an electric wire through which a message to other departments might be sent—in fact, a mere vehicle for conveyance—nothing more. "I am not of the Cabinet, I must consult the Cabinet," is the only intelligible answer that he can give on any question of public importance. In the same way the Irish Secretary in this House—or rather the Secretary to the Lord Lieutenant—if anything be asked of him, or any representation be made to him, is obliged to confess, practically at least, that he, too, is a mockery, or scarcely anything better. He cannot venture to express an opinion of his own; all he can do is to promise to consult his superiors. I have, therefore, come to the conclusion that, in place of this mockery and this sham, that there must be a responsible authority—an official who will be placed on a level with the other Members of the Cabinet—a Minister to whom Irishmen may represent the wants of their country, and by whom something like authority can be exercised. At present, there is no responsible authority, and no Minister of real power; and so long as some arrangement is not come to, by which a reality is substituted for a mockery, Ireland will continue to be in that degraded and anomalous position to which the hon. Members for Dublin apprehend she will fall if her precious Lord Lieutenant be withdrawn from her capital. It has been said, that if the Viceroyalty be abolished, the courts of law will follow. The two things are totally distinct from each other. I do not care how soon the Viceroyalty is abolished, provided that a proper substitute is found for it; but I would resist, by every means in my power, the removal of the courts of law; and it has been distinctly shown in this debate, that the marked diversity of the laws of the two countries makes it utterly impossible that the law courts of England and Ireland could be amalgamated. But it was said that Dublin would be ruined by the withdrawal of the Lord Lieutenant. I certainly did at one time lend myself to the idea that Dublin would be injured by the abolition of the office; but I have given the question more consideration since then, and now I hold a different opinion. No doubt, the extinction of this mock court, with all its empty, idle pageantry, might inflict a blow upon that bastard aristocracy, that wretched assumption of gentility, so utterly at variance with honourable industry and sturdy independence, which has been generated in Dublin by this miserable abortion of a court. The fact is, there is more real independence in any little town in Ireland than in Dublin. The influence of the Castle is most injurious to the country generally; but in no respect is its evil influence more seriously felt, than in the demoralization of Dublin society. In no city in the world is there more pretence and vanity. In too many instances, it is wretched ostentation and glitter outside doors, and hard, miserly pinching within doors. The country gentleman of £700 or £800 a year was not contented unless he had his daughters presented at the Castle. Accordingly, he came up to Dublin, hired a house—perhaps from that patriotic house-agent who so pathetically appeals on behalf of his imperilled country—enters into the vulgar rivalry so common in that city; and, in order to keep pace with the ambitious barrister, and the more aspiring attorney, he has to screw his miserable tenants, whom he rack-rents or drives to America; and, in the end, this deluded gentleman finds himself embarrassed and a pauper—having sacrificed his all to bask in the smiles of an Eglinton or a Carlisle. Yes, such is too often the result of this miserable jostling and striving, this contemptible bowing and scraping before a mock Majesty, in a mock court. There are those who question the wisdom of sacrificing time and means to enjoy the splendours of a real court; but it does surprise me to witness the eagerness with which rational human beings rush to participation in an absurd farce, even though a dancing Viceroy plays the principal part in the entertainment. I believe this institution leads the public of Dublin to folly and extravagance, and tends to render the pursuit of humble honest industry less respectable than it is in other places. I also believe that it has a corrupting tendency—that it makes men who should alone depend on their exertions for their success in life, servile and sycophantic, and that it interferes with that spirit of self-respect and self-reliance which it is of the highest value to encourage in Ireland. Its effect on the bar is most prejudicial; and, indeed, I do not know any class who are served by its existence. After what I have said, I may be asked, how am I to vote? Notwithstanding the expression of my strong opinion, I do not intend to vote for the Motion of the hon. and learned Member for Sheffield. [*Laughter.*] I am quite aware that this declaration is not a strict logical deduction from my speech, and the laughter of hon. Gentlemen does not in any way take me by surprise. I do not support the original Motion for the reasons given by the hon.

Gentleman who has moved the previous question, and for the same reasons which will actuate the majority of those who are about to vote against the original Motion. [*Cries of* "No, no!"] I do not believe that there are ten Gentlemen in this House who are in favour of the retention of the office of Lord Lieutenant. [*Cries of* "Oh!"] Are there twenty, then? There are certainly not more who, if the question were put as a plain aye or no, would vote aye on the merits. I vote against the hon. and learned Member for Sheffield on a strictly intelligible ground — because he only proposes to abolish the office, and does not propose an equivalent. Indeed, the hon. and learned Member is not in a position to offer an equivalent. The Government alone are in that position; and until some definite substantial proposition, or plan, is laid before Parliament, and by those who have the authority and the power to carry it into effect, I cannot vote for any such Motion as that now proposed. The hon. Member for Dublin (Mr. Vance) has endeavoured to represent this as a great national question; but that hon. Gentleman has done more to prove it a purely local one, than any other speaker in the debate. Here, he says, is an attempt to inflict a great national wrong; but what does he ask? compensation for Dublin—not compensation for bereaved Cork, or for heart-stricken Belfast, but only for widowed Dublin, about to lose her Carlisle. When a definite plan for the settlement of this question is brought forward, I shall, to speak in official language, be prepared to give it my "best consideration;" and if it propose a change which I believe will be practically useful, I shall not hesitate to support it, and thus run the risk of all those terrible consequences which the excited imaginations of the hon. Members for Dublin suggest—the destruction of Irish nationality and the extinction of the Irish race, which are to flow, as a necessary consequence, from the withdrawal of this miserable sham, a mock court and a mock king. It has been said now, as on a former occasion, that the abolition of the Viceroyalty would keep the Irish gentry from Dublin; but the answer given in 1850 to this objection by the noble Lord the Member for London, was, that it would be better for many of them if they remained on their estates, and spent their money at home; and I must confess I am old-fashioned enough to agree in this opinion. The hon. Member for Dublin bewails the loss of the resident gentry, and of the money which they spent in the capital. But what does he prove? That the Dukes, and Marquesses, and Earls, are annually diminished in number, even though the Viceroy still remains to Dublin. It is true, that Dublin catches an occasional gleam from the coronet of Ireland's only Duke; but the rest of the once-resident nobility are gone, and none are now left but a baron and a bishop. But if the withdrawal of the Viceroy, and the extinction of his splendid court, and the loss of those "gay and festive scenes" so admirably described by the hon. Member for Dublin, are to drive all those great people from Dublin, how is it, I ask, that the Viceroy, and the Court, and the splendid balls of the Castle, do not keep them there, now that all these exist in undiminished splendour and magnificence? I am, Sir, quite prepared, when the right time comes, and the right plan is proposed, to vote for the extinction of a piece of idle and senseless pageantry, which is injurious and not beneficial to Ireland; but on the present occasion I feel bound to vote for the previous question.

MR. HORSMAN said, he should not have taken any part in the debate had it not been for the statement which had been made by the hon. Member for Enniskillen (Mr. Whiteside) in the course of his speech. The hon. and learned Gentleman said that the present Lord Lieutenant had made appointments of such a character that the Secretary for the Home Department would not, out of regard to his own reputation, be a party to them. Such a statement he could not, consistently with his sense of what was due to the Lord Lieutenant, allow to pass by without remark. Now, as the hon. and learned Gentleman vanished in that rhetorical flash, he (Mr. Horsman) must recur to the statement so made, and show how unfounded it was, which he was able to do from circumstances which had come to his own knowledge from the instructions he had received from the Lord Lieutenant. The hon. and learned Gentleman said, in the first instance, that the Protestant party in Ireland felt extremely dissatisfied with those appointments, and it was not difficult to recognize in this an old charge, which had often been made in the press and elsewhere, but never in that House, that the patronage of the present Irish Government was bestowed almost exclusively on Roman Catholics. That charge was totally unfounded. The majority of the appointments made by the present Lord Lieutenant, during the time that he had the honour of holding the position of Chief Secretary, whether in point of number, influence, dignity, or emolument, had been bestowed on Protestants. Should the hon. and learned Member repeat his charge he should be prepared to move for returns of all the appointments made by the Lord Lieutenant, which would completely establish the truth of the answer which he had just given to it. He was, however, unwilling to move for such a return unless forced to do so, as he did not wish to require persons to enter into a statement of their religious tenets. The hon. and learned Gentleman also said, that he did not complain of these appointments, because, of course, it was usual for every Government to bestow its patronage on its own supporters. Undoubtedly, it had usually been the practice for Governments to give their patronage, in the first instance, to their own supporters; but Lord Carlisle, when he became Lord Lieutenant, established a new system, and laid down a rule that the personal qualities and services of the candidate should be the first claim, and political influence the second; and he could say sincerely that during the two years he had held office he was not aware of a single instance in which that rule had been departed from. Constantly, when recommendations were sent to him by political friends, he had communicated that rule to them, and not in one single instance had he found that any objection had been made to it. Although, during those two years the recommendations of political friends were probably more disregarded than at any other period, nevertheless he had never had a single disagreeable word with any friend on the question of patronage, either by word of mouth or by letter. The appointments of all others in the gift of the Lord Lieutenant which were most valued, and for which there was most competition, were those of assistant barristers. Two of these fell vacant in his time. In both cases the Lord Lieutenant desired to be furnished with a list of four gentlemen who, from their personal and professional qualities, were thought best fitted for the office. That was done, and he selected the one first on each list, appointing gentlemen who had not even been candidates and to whom the appointment was matter of great surprise. No sooner were the selections made than gentlemen who had been candidates, and their friends expressed their approval of them, and stated that, had they known who were likely to be appointed, they would never have presented themselves as candidates at all; and further, they desired him to convey to the Lord Lieutenant their opinion that the best moral effect would be produced by so discriminating and judicious a distribution of patronage. He did not give this testimony for himself only. When he succeeded to the office of Chief Secretary for Ireland he had an interview with his predecessor, who gave him an assurance that a great deal of misrepresentation existed as to the feeling in Ireland on the subject of patronage; that though it was commonly rumoured Irish Members were difficult to deal with in the matter of patronage, he would find it very different when he came to have actual dealings with them. And so he must say he found it. There could be no doubt that in old days the Castle influence had been used for purposes of corruption in Ireland; but it was not for this country to reproach the Irish people on that ground. England had been the criminal—Ireland the victim. For centuries we oppressed them and assailed alike their freedom and their faith. We surrounded them with a network of corruption, and though individuals fell before the system, yet the moral fidelity of the nation remained untouched. They won their freedom, they stood true to their religion, and now we could not but respect them as furnishing the only example in history of a people who, after centuries of oppression, had emerged from it with the spirit and virtues of freemen. He thought the hon. and learned Member for Sheffield in referring, as he did, to the improved condition of Ireland fell into an error in giving too glowing a picture of its present prosperity, and in not distinguishing sufficiently between that which was permanent and lasting and that which might possibly be uncertain and temporary. Ireland had unquestionably made incredible progress of late years, and there was every reason to hope and believe that she would not again revert to her former pitiable condition, but at the same time they should remember how sudden and recent that improvement had been. Ten years had not elapsed since the condition of Ireland was an embarrassment and a mystery to every statesman, and when the wisest regarded her present with anxiety and her future almost with despair. Within that period she had seen a famine and a rebellion; and the very prostration in which she was then left, opened the first ray of hope for the future. Since then she had been blessed with good seasons, but although her agricultural prosperity had been unexampled still they could not forget that her population was dependent almost wholly on agriculture, and in a great measure on the potato for their subsistance, and that should a succession of bad seasons occur, or the potato crop again fail, we might find that the present prosperity was concealing many evils which there had not been time to eradicate, and that the condition of Ireland might once more become a source of trial and embarrassment. He did not wish the House, therefore, to be led away by the idea that because there was a prosperous calm now the people of Ireland would be able, like the people of England and Scotland, to weather a period of agricultural and commercial difficulty or financial embarrassment. Ireland was just beginning to find her feet after a long period of disease and suffering, and it was their duty to watch over her as a convalescent not yet beyond the danger of a relapse. They must be careful of any step they took in legislating for that country. Eight years was but a short space in the life of any nation. His hon. and learned Friend who brought forward the Motion treated it in one respect as a question of economy; the hon. Members for Dublin (Mr. Grogan and Mr. Vance) as a question of centralization, and the hon. and learned Member for Enniskillen (Mr. Whiteside), as was his wont, treated it as a personal and party question. Like the hon. Gentleman who spoke last, he (Mr. Horsman) should treat it as a question to be looked at from an Irish point of view. The question was, whether the Executive in Ireland was conducive to good government and the wellbeing of the Irish people, and, believing that the moral progress of Ireland had been even more striking than its material progress, he should feel it his duty to defer to the views of the Irish people on that point. There was, he believed, no undue prejudice in Ireland in favour of the Lord-Lieutenancy, but he was not sure that there was not among the English people a great deal of prejudice with regard to Irish character and feelings. He had always recollected the Bill of 1850, as well as the general concurrence which it met with from that House, and he had expected that, on the part of the Irish people, there would have been considerable difference of opinion on the subject now, preponderating, however, against the course taken by the hon. and learned Member for Sheffield. The result of his own experience and observation, however, was that such was not the case. In conversing with gentlemen of all classes in Ireland—with judges, lawyers, country gentlemen, and officials dependent on the Castle—on the subject of good government for Ireland—he found that every one of them in the first instance raised this question of the Lord Lieutenancy, and that their opinions generally took the line which had been followed on different sides of the House that night, namely, that of very highly praising the Lord Lieutenant, and then suggesting the abolition of the office. But at the same time he did not think they would have voted for the Motion of the hon. and learned Member for Sheffield, and that on the ground stated by several Irish Members—in which he fully sympathized—that it was one thing to destroy and another to reconstruct, and those who swept away should also be prepared for the duty of replacement. There existed very serious apprehensions lest with the abolition of the office of Lord Lieutenant there might be swept away things of greater value. An hon. Member spoke, for example, of the removal of the law courts from Ireland. In England the whole tendency of recent legislation had been to make law cheap by bringing it home to every man's door; but while this was the popular principle in England, would any one for a moment think of dealing out such a different measure of justice to Ireland as to shut up her law courts, throw her statutes into the Liffey, compel all suitors to make a pilgrimage to London, and the solicitors of Dublin to dance year after year in this metropolis, in consequence, perhaps, of the postponement of suits, the costs of which had swelled up to a ruinous amount? Justice would in such a case be so dear as to cause a virtual denial of it altogether to the Irish people, and thus the removal of the Irish courts would become an intolerable oppression. But the question was also naturally raised as to what form of government could be substituted for that of the Lord Lieutenancy. In 1850, the proposal of the Government was to establish a fourth Secretary of State. Great objections were urged to that course then, but since that time a fourth Secretary of State had been appointed for another purpose, and now it would be necessary, if that plan were followed out, to have a fifth Secretary, a multiplication which might be liable to many objections. He could not say that the objections urged by the two hon. Members for Dublin were strongly entertained in that city, nor did he think the provinces would very much lament the removal of the Lord Lieutenancy. He did not think that the people of Cork or Belfast would feel the removal of the Lord Lieutenancy from Ireland any more than the cutlers of Sheffield would feel the abolition of the Lord Mayor's Show in London. He had been reminded of the vote he gave on this subject in 1850; and he must say that there was no change of circumstances of great importance which made that inexpedient now which appeared expedient then. If, therefore, he thought that his hon. and learned Friend and the Government were at direct issue on this point, he should feel perplexed as to his vote; for, while unwilling to fetter his own action as to the future, it would be most painful to him to find himself at variance with a Government from which in this very office he had received so much kindness and consideration; but it seemed to him that it was hardly possible for the Government to adopt that night the Motion of his hon. and learned Friend, because the Motion simply condemned the office of Lord Lieutenant. With the carrying of that Resolution the responsibility of his hon. and learned Friend ceased, but with the adoption of it the responsibility of the Government began; and unless they could see their way as to what was to be substituted for the existing arrangement, it would be unwise and unworthy in them to adopt a Resolution to which they did not yet see how they were to give effect. It seemed to him to be a question which must be settled by public opinion, and by the opinion of Parliament, and of that House especially; and the obvious indications of opinion given on all sides of the House could not be lost on the Government. His hon. and learned Friend who moved the previous question made a speech, which proved that he ought to have gone the length, not only of supporting the Motion for the abolition of the office of Lord Lieutenant, but also of proposing the appointment of another Secretary of State. When his hon. and learned Friend stated that the Resolution would produce no practical effect, he seemed to have quite forgotten that if the House came to the Resolution that the office of Lord Lieutenant should cease, it would probably take care, should the office nevertheless be maintained, not to pay the expense when the Votes in Supply came under consideration. On the whole, he thought that the House would probably be disposed to act in accordance with the opinion of the Government, very wisely and properly declared by his noble Friend, that any large measures of Reform should not be proceeded with this Session, and he thought this was one of the questions which might safely be remitted for further consideration, and with respect to which the intentions of the Government might be known on a future occasion. Agreeing with what had been stated by his right hon. Friend behind him (Sir W. Somerville), he should be extremely reluctant to press the Government to any final declaration of opinion on the present occasion, and to force them to pledge themselves to any abrupt termination of this office, however anomalous it might be supposed to be. During the next six months the question might be considered by the Government, and he was satisfied that in the meantime, under the administration of the present Lord Lieutenant of Ireland, acting in concert with the right hon. Gentleman (Mr. H. Herbert), whose appointment to the office of Irish Secretary had been hailed with satisfaction by all his countrymen, the improvement which had taken place in Ireland would go on, and be very much assisted by the wisdom, justice, and impartiality of the present Government.

Mr. P. O'BRIEN said, he could not but strongly condemn the tone of ridicule in which the hon. Member for Dungarvan (Mr. Maguire) had spoken of the office of Viceroy. At the time of the Union a contract had been entered into by which the Lord Lieutenancy was to be kept up, and no reasons had been assigned to-night why that contract should be annulled. Besides, it was a matter in which the feelings of the Irish people themselves ought to be listened to. He denied that the abolition of the office would put an end to "jobbery." If the office were abolished, that jobbery, which was now to some extent controlled, would be perpetrated in London without any control at all. The hon. Member for Dungarvan spoke of a sham court. The hon. Member had been mayor of Cork, and he (Mr. O'Brien) ventured to assert that few men would exhibit more nervousness when presented to Her Majesty. Was Mrs. Jenkins, the drysalter's wife, of London, to be presented at Court without remark, and the presentations at Dublin Castle to be called a sham? He was surprised to hear a sneer in this direction from the emphatic Member for Dungarvan. It was gratifying, however, to reflect that, as far as Ireland was concerned, the hon. and democratic Member for Dungarvan was the only advocate of the abolition of the office.

Mr. BLAKE said, that though disposed to agree on general principles with the hon. Member for Dungarvan (Mr. Maguire), he must regret the slighting remarks made by that hon. Member with regard to the nobleman who so well filled the office of Lord Lieutenant of Ireland. He knew from communications he had with that nobleman, as a magistrate, that nothing gave him greater pleasure than to improve the condition of Ireland, and especially of the labouring population. Few towns in Ireland had been more benefited from the exertions of the Earl of Carlisle, than the one he had the honour to represent (Waterford).

Viscount PALMERSTON: Sir, there is no denying the importance of the question which the hon. and learned Member for Sheffield has brought under the consideration of the House. It is one with respect to which, however, those who entertain opposite opinions might equally vote for the Motion of the hon. Gentleman who has moved the previous question; because my hon. and learned Friend who made the original Motion has thrown down on the floor of the House an abstract Resolution, which, if it were adopted by the House, ought to be followed up by some practical measure for carrying the Resolution into effect. But my hon. and learned Friend leaves to others the task of finishing that which he wishes to begin; and, without suggesting any arrangement whatever by which the Government of Ireland is to be carried on, simply proposes, towards the conclusion of the Session, a Resolution, the effect of which is to condemn the existing state of things—to render that state of things inefficient for the purposes of government during a long course of time, while he abstains even from hinting at the arrangement he would substitute for it. Now, I think that is a very inconvenient mode of dealing with a great and important question of this nature. It is very well for hon. Gentlemen to propose abstract Resolutions, and to leave it to the Government—if the House should affirm such Resolutions—to devise means for carrying them into effect; but I conceive that that is not the manner in which grave questions of this kind ought to be treated in the discussions of Parliament. I think, if any hon. Gentleman has satisfied his own mind that the Lord Lieutenancy of Ireland ought to cease, he is bound, when he makes such a proposition to the House, to suggest for its consideration, and point out to the Government, such an arrangement as he thinks calculated to supply the place of the system which he asks the House immediately, and by a single Resolution, to condemn. With regard to the question itself, I am bound to say that it is one which is surrounded with great difficulties. It is quite true, that in 1850 the Government of the day not only proposed the abolition of the office of Lord Lieutenant, but at the same time suggested a plan for the administration of the affairs of Ireland upon the cessation of that office. The hon. and learned Gentleman (Mr. Roebuck) mentioned the names of the Members of the Government who voted on that occasion. He also mentioned the names of those who must be supposed to have concurred in the measure, and among them he mentioned mine. I do not know at this moment how it happened that I was not present at the division; but, undoubtedly, as a Member of the Government, I concurred with my colleagues in the measure which was then submitted to the House. Difficulties arose, however, with regard to the system which was proposed as a substitute for the Lord Lieutenancy, and those difficulties were so serious that the measure was dropped, and a similar proposition has not since been submitted to Parliament. I confess that I, for one, am not prepared at the present moment to propose any arrangement which would be satisfactory, as a substitute for the Lord Lieutenancy. Treating this merely as an abstract proposition, it must be confessed that, in the present relations of the two countries, it is difficult to argue that a separate establishment, like that of the Lord Lieutenant, is necessary for the conduct of affairs in Ireland. It is, Sir, I say, difficult to maintain that the continuance of that office is essential to the prosperity of Ireland, or even to the good government of that country. At the same time it must be confessed, that many local advantages result from having in Dublin an authority with whom residents in Ireland can communicate personally, to whom they can state face to face their wants or wishes, and by communication with whom a great number of local questions which it would be difficult and tedious to arrange by correspondence may be settled without subjecting the persons interested to the inconvenience of coming over from Dublin to London. The question is, therefore, far from being so simple as the hon. and learned Gentleman seems to imagine, when he proposes by a single Vote of the House to cut short all the difficulties of the case. It is needless, however, to say that, even if the Government had determined upon any arrangement which they deemed satisfactory as a substitute for the existing system, it would be utterly impossible to expect them to submit their plan to Parliament at this period of the Session. I am sure, upon reflection, my hon. and learned Friend will feel that it would not be conducive to the interests of the public service that the House should, at this moment, condemn by its vote an existing institution which, as has been well observed, has been maintained for a long period, and should leave that institution under the censure and condemnation of Parliament, without any definite idea being even suggested by the mover of the Resolution as to the system upon which the affairs of Ireland are to be in future conducted, and the functions of that institution supplied. I shall, therefore, certainly vote for the previous question, and I think those hon. Gentlemen who agree with the hon. and learned Member for Sheffield, that in the abstract the office of Lord Lieutenant may be dispensed with, as well as those who deem it essential to the interests of Ireland to maintain that office, may with equal propriety vote for the Motion of the hon. and learned Member for Yarmouth (Mr. M'Cullagh), because there cannot be a doubt that the Resolution of the hon. and learned Member for Sheffield is one which, at the present moment, it is inexpedient to affirm, as leading to no practical object. The hon. and learned Gentleman (Mr. Roebuck) said, that those who voted for the previous question would admit their acquiescence in the Motion, with regard to which the previous question is proposed. I beg leave to differ from the hon. and learned Gentleman on that point. Those who vote for the previous question declare, in effect, their opinion that, for whatever reasons, it is not expedient that the House should, at this moment, come to a decision upon the Resolution which has been submitted to it. Those, therefore, who vote for the previous question give no opinion, and imply no opinion, upon the subject on which the previous question is moved, but they simply declare that the Resolution is one which it is not desirable that Parliament should assent to at the present time. I am glad that my right hon. Friend the late Secretary for Ireland has done justice to Lord Carlisle, whose conduct in the administration of his Government has, I think, been most unfairly represented in the course of this debate. I am convinced that no man who ever filled the office of Lord Lieutenant entered upon it with a more sincere desire than was entertained by Lord Carlisle to conduct the administration in the manner most conducive to the interests of Ireland and most congenial with the feelings of Irishmen. I venture to say, there never was a man who more completely carried his heart into the performance of his duties than Lord Carlisle, and I think every one acquainted with the present state of Ireland will admit that his intentions have been fully appreciated by the Irish people. Indeed, I believe I may say, there never was a Lord Lieutenant who possessed more fully than does Lord Carlisle the confidence and affection of the people over whose affairs he presides. In the administration of the patronage with which he is invested, he has been actuated by no motive whatever, except that of public duty and the desire of promoting the general interests of Ireland; and I think if the prosperity, the tranquillity, and the good feeling of the country can be assumed as evidences of the merits of the person by whom the Government is conducted, we have ample testimony that Lord Carlisle's administration of the affairs of Ireland has been most successful. It is unnecessary for me, from the ground I have taken, to go into a detailed examination of the arguments which have been urged either in favour of, or in opposition to the abolition of the office of Lord Lieutenant. I have already stated, that in the abstract I think it would be difficult *à priori* to maintain that the continuance of such an office is absolutely necessary. On the other hand, I think it is evident from what has passed in the course of this debate, that there would be great difficulty in providing a satisfactory substitute for that office; and I shall, therefore, vote for the previous question.

MR. DISRAELI: Sir, I hope the

House will allow one who is neither an Irish Member nor has been an Irish Secretary to take some slight part in this debate; and that one who is an English Member and who holds no official position may be permitted to offer a few brief remarks upon the Motion of the hon. and learned Member for Sheffield. That Motion is unquestionably one of no ordinary character. It proposes to make a very important alteration in the administration of Ireland; and I think we ought to have placed before us very precisely and distinctly the reasons which, in the opinion of the hon. and learned Gentleman, and of those who agree with him, render such an alteration not only expedient, but necessary and instant. I do not consider that any such reasons have been placed before us. The charges brought against the office of Lord Lieutenant are of a very general character, and are not such as—even were they true—would in my opinion justify immediate and precipitate legislation. So far as I can collect from the course of this debate, the charges against the office of Lord Lieutenant may be ranged under two heads. In the first place it is said that the office is of a deceptive character—that it is, as it has been repeatedly styled by one hon. Gentleman in the course of his speech, "a sham"—a word, the English of which I doubt, and the Parliamentary use of which I shall always deprecate. The reasons that have been advanced to show that the office is "a sham" have not brought conviction to my mind. Some traits have been referred to which perhaps prove that to a certain extent it is a ceremony and a pageant; but is the House prepared to terminate all ceremonies and to put an end to all pageants? Some of the objections which have been made to the office of Lord Lieutenant of Ireland would apply to almost all the high offices of State, and if it were not something like blasphemy to say so, to use the expression of the hon. Member for Dungarvan (Mr. Maguire), I am not sure that they would not apply to the monarchy itself. Indeed, if you come to analyze all the arrangements and forms that surround the fulfilment of office, I am not clear that the highest offices in this House might not be open to the charge of being what the hon. and learned Gentleman styles "a sham." You might analyze the fulfilment of public duties, and prove that an unknown clerk in a public office could fulfil, and does fulfil, perhaps all these functions which attract so much public attention and obtain so much public confidence. You might reduce Government to a much more simple and rude form than it is at present. But having done all this—having destroyed all sentiment and all responsibility—some day or other an awful crash might occur, and then you would discover that all the time you were simplifying the forms of Government you had been in point of fact but destroying all the sources of authority. But I might observe in passing that the very speakers who tell us that this office is "a sham"—that it is a perfectly idle and inefficient form of government—tell us at the same time that it meddles with everything, that there is nothing which it does not do in Ireland, that there is nobody whom it does not correct and control, and that all the elections which recently took place in that part of the kingdom were more or less influenced by the very power which is said to be absolutely inefficient. But the second charge brought against the office of Lord Lieutenant of Ireland is not only that it is "a sham," but—I beg pardon of the House for a moment, I cannot recall to my recollection at this instant the second charge that was preferred against the office. What I want, however, to impress on the House is, that we are called on to make a very great change in the administration of the affairs of Ireland, while we have no case placed before us for so doing. I do not mean to say that this form of administration is the one best adapted to the state of affairs in that part of the kingdom, or that it is best calculated to deal with all the circumstances which it has to control, and with which it has to contend. I do not agree with the noble Lord that it is an anomaly to have a different administration in Ireland from what you have in England, inasmuch as the circumstances of the two countries are the same, because I cannot admit the circumstances of the two countries are the same. But, passing from that view, I say it is absolutely necessary that we should have a clear case put before us before we sanction a change in the character of the administration of Ireland, and therefore that nothing but a feeling of general discontent acting upon the Government would justify the House, particularly at this moment, in entering upon the consideration of this question. In 1850 we had this question fairly brought before us, and I would appeal to any hon. Gentleman who remembers the circumstances under which it was then debated, whether the substitute that was offered us did not really sink under the repeated discussion which it underwent in this House? There was no indisposition on the part of the House to sanction the principle which has been supported by the hon. and learned Gentleman to-night; but when we had to consider the substitute that was placed before us by the Government, I would ask any hon. Gentleman who was then a Member of the House whether he will not bear witness that, night after night—for our debates were very much prolonged—it was not the inevitable result of our discussion that the substitute of the Government was generally considered as totally unsatisfactory? Well, no one can now say that there is anything in the circumstances of Ireland which requires such a discussion or necessitates such a change at the present moment. No one will deny, probably, that at no previous period was the state of Ireland more tranquil or more satisfactory than at present. I am not anxious to prove that it is to the existence of the office of Lord Lieutenant that that tranquillity is attributable; but that it is coincident with its existence none will deny, and that that tranquillity exists none will dispute. I may ask, therefore, on what grounds the hon. and learned Gentleman the Member for Sheffield now comes forward to effect so considerable a change in the mode of administration in Ireland? And now, by the way, I recollect the other objection which was urged against the office of Lord Lieutenant. That objection was, not only that the institution was "a sham," but that it was corrupt. That is the second head of accusation against this office. But what proof have we had before us of this corruption? I do not think that in our debates at this moment, we ought to go into the ancient history of Ireland, or that we ought to discuss the character of the office at the time of the Union or before the Union, but we may speak of the action and influence of this office as we know it in our own times and in our own experience. Now, Sir, I will take the last twenty years during which I have had experience of this House and of public affairs; and I would ask what evidence have we before us that the exercise of authority by the Lord Lieutenant of Ireland has been intriguing or corrupt? That men may have been managed, and that political results may have been achieved, as they will always be achieved, by the action of a free Government, who will dispute—who is there that ought to object? But I want to know, has there been more intrigue, more corruption, more management of men, or more improper influence through the exercise of the patronage of Ireland during the last twenty years than there has been in England? Let us meet this question fairly. It has been said of Belgium that it has always been the battle-field of Europe, and it may be said of Ireland that it has always been the battle-field of parties. There have been accusations and counter-accusations from both side of the House about the exercise of patronage. Sometimes we are told that a particular Lord Lieutenant has given all his patronage to the Protestants, and that another has distributed it among the Roman Catholics. But we must remember that this is a country of parties; that it has occurred during the last twenty years that Gentlemen of the Roman Catholic religion have generally been followers of one party in the State and Protestants of the other, and that the distribution of patronage has followed the arrangement of parties. Now, however, when we live in calmer times, and can consider these things in a more tranquil spirit, no one attributes that distribution of patronage, by whatever party it is exercised, to corruption or improper influence of any kind, but rather to the natural influence of party spirit in the country in which that patronage is exercised. Take the last ten years—take the time that has elapsed since the last discussion of this subject in this House and some little time previously—and take the last three Lord Lieutenants of Ireland, noblemen who hold different opinions. But first let me say, that we are asked to put an end to the office by which Ireland is administered at this moment. We are asked to put an end to it on two grounds,—first, because it is a mockery, which ground has in no way been substantiated, because every argument that has been used against the Lord Lieutenant would tell equally against the governor of a colony. You might prove, for instance, that the Governor of any colony was not a monarch, or, on the same ground, that the Governor General of India at the present moment was "a sham." Again, you are asked to put an end to this office of Lord Lieutenant because it is corrupt in its influence. But the House cannot have failed to notice that in no single instance has it been alleged that its exercise has been corrupt. Well, then, to revert to the last three noblemen who have held the office, you have first Lord Clarendon, the present Secretary of State for Foreign Affairs. He exercised his office of Lord Lieutenant in a time of considerable trouble and excitement, and I do not suppose that any one will pretend to say that his exercise of the office was "a mockery" or "a sham." But, whatever may be the differences of opinion as to his Government of Ireland, there is no doubt that Her Majesty considered his services of so signal a character that She bestowed on him the highest honour which the Crown has at its disposal. Then we come to my noble Friend Lord Eglinton, whose viceroyalty was not of great duration, but it was of such a character that he lives in the hearts and recollections of the people whose interests he laboured to promote and whose affairs he administered. Now, we are told that Lord Carlisle is a dancer, and that he knows the difference between a bull and a pig. Sir, I had the honour of a seat in this House for ten years, when Lord Carlisle sat here, not only as a Minister of State, but also as Secretary of a Lord Lieutenant, and let me remind the House that those were not ordinary times. This House then reckoned among its Members probably a greater number of celebrated men than it ever contained at any other time. At other times there may indeed have been individual examples of higher intellectual powers, but a greater number of great men never flourished than during those ten years. Lord Morpeth met them upon equal terms. Lord Morpeth took a great part in our greatest debates. Lord Morpeth was a man remarkable by his knowledge, his accomplishments, and his commanding eloquence. Lord Morpeth was the man, who, as Secretary to the Lord Lieutenant, was that responsible Minister for Ireland of whom we have heard so much, and those hon. Gentlemen pay no compliment to the House of Commons, where he filled so considerable a space, when they say that, having come to Ireland, it is found out that Lord Morpeth is only a dancer, and only able to decide between the merits of bulls and pigs. The last three Lord Lieutenants were three considerable men who occupied a considerable space in the public eye, and exercised considerable influence on public opinion, and that leads us to the real point before us. We are not here contending about the forms of Government, for, after all, Government greatly depends on the character of individuals. When we are talking about sham monarchs and intrigues and corruptions in the Castle of Dublin, the question is, whether that has not been the machinery by which, through some means or other, we have placed in authority in Ireland as chief administrators men of considerable eminence and experience. I do not mean to say that you may not allege reasons why a change should occur. I have not heard those reasons. I have heard nothing but vague and common-place charges made against the office. I am not at all prepared to say that you may not devise a more rational and more precise mode of administration; but I recollect that one of the most experienced Members of this House, then Prime Minister of the country, aided by the wisdom and knowledge of a Cabinet, did bring forward a scheme, and that scheme did not stand before the discussion of the House of Commons favourable to it, and therefore I think we ought to proceed with caution when the hon. and learned Member comes and asks us to sanction by our votes a general Resolution like the present. I think that the alternative which is offered is the alternative which we ought to adopt. I do not think that, under any circumstances, we should be justified in voting for the Motion of the hon. and learned Member for Sheffield, unless what I may call the enormities of the office were so obvious, unless the public discontent was so overwhelming, and Ministers at the same time were so negligent, that the House ought to come forward and call upon the Government to offer some remedy for existing and acknowledged evils. That is not our case, and therefore I do not see what course we can take, except avoid giving any decision on the question which is before us, beyond saying, which by voting the previous question we do say, that we do not think this a convenient moment to discuss the subject. I understand that to be the real interpretation of voting for the previous question, for I protest against the new interpretation of the hon. and learned Gentleman, that by voting for the previous question we acknowledge the principle of what is before us. That I think to be quite a gratuitous interpretation of our vote. Under general circumstances it would be more convenient that the question should be fairly met and discussed, that we should come to a vote aye or no upon the merits of the Resolution of the hon. and learned Gentleman. But I do not see how we can do that unless we are prepared, or rather unless the Government is prepared, if we agree to the Motion, to bring forward some practical substitute for the administration of Ireland. They are not prepared; there is no public necessity at present; and therefore I think we take a prudent course if, by voting for the Amendment, we express our opinion that it is not convenient at the present time to discuss the Motion of the hon. and learned Gentleman. In voting for the previous question I beg for myself to state that I do not in any way admit the principle which the hon. and learned Gentleman wishes us to adopt, but that I reserve to myself the right, at the proper moment, to offer upon that subject a mature and unshackled opinion.

Mr. CONOLLY said that, having borne a part in the discussion which took place with reference to this question some years ago, when by the Government of the day it was brought in a regular form before Parliament, and he voted for the abolition of the Lord Lieutenancy, he might be allowed to state that he had completely changed his opinion under the influence of the powerful words addressed to the other House of Parliament by the late Duke of Wellington. It was due to himself and to that distinguished Assembly that he should record the reasons why he was about to give a different vote. The Motion was totally unauthorized by the circumstances of the case. Ireland, even in the present very much ameliorated condition of the country, did require the presence of a first-class officer of the Executive. There was no such officer in England or Scotland; but the condition of Ireland was peculiar, and, being peculiar, did require the distinct and direct interference of the Executive. He did not speak his own sentiments, but the sentiments of one much more worthy than he was—those of the late Duke of Wellington. Gentlemen who had just come into the House thought this a subject of diversion; but if they had ever had an opportunity of judging of the sagacity of that great man, they would hardly be disposed to treat it with unseemly mockery. He lived in the vicinity of Dublin, and knew as well as any one the advantages of a more independent state of society which would result from the abolition of the Lord Lieutenancy. But the evils which would accrue were vast, and such as he could not contemplate without awe and apprehension, whereas the benefits were partial and few. He had no hesitation, upon these grounds, in giving his vote directly against the Motion of the hon. and learned Gentleman.

Mr. ROEBUCK said: The hon. Gentleman has stated that I have brought forward this Motion in an unusual and unprecedented manner. But I had no other course to pursue. When Sir Robert Peel was asked what he would do in a particular conjuncture, he said, "I will tell you when I am called in." It is enough for me as a private Member to point out the defect, and I only call upon the House, not to legislate, but to express an opinion upon an existing institution. I ask you to say whether you think that institution is a good or a bad one. I have not presumed to offer an equivalent, because I have not been "called in." I think the statement made by the right hon. Gentleman the Member for Stroud (Mr. Horsman) is perfectly correct, that if the House were to agree with me our functions for the present would end, and those of the Government would begin. They are the governing body of the country at the present moment, and if this House declares that any institution is faulty, they, by their position, are called upon to propound a remedy, or to say that they are unequal to the task. Now, Sir, the noble Lord at the head of the Government says that for the House to declare at this period of the Session that the Lord Lieutenancy of Ireland ought to be abolished would be an incorrect mode of proceeding, because we should attach to that office the stigma of a Parliamentary division against it, at the same time leaving it to stand without a substitute. But I would ask the noble Lord whether in 1850 there was not a Parliamentary division against the Lord Lieutenancy to which he was a party, and whether he did not leave it from time to time with that stigma attached to it, doing nothing to sweep it away? Surely, as a responsible Minister, he ought to have considered what would be the effect of the proposition which was then approved by the House, and yet he persuaded us to go to a division against the Lord Lieutenancy of Ireland, though unable to bring forward anything in its place. I am not in a condition to do that. I only call upon the House to say whether they think the Lord Lieutenancy is a good office or not, and then I leave the question, intending to fix upon the Administration the responsibility of providing a remedy. Now, Sir, let me go one step forward. It is stated that the Lord Lieutenancy of Ireland is so important an office, that I ought to have intimated distinctly my grounds of objection to it before I asked this House to divide against it. I think, Sir, it is not my habit to enlarge very much upon questions debated in this House. I always endeavour to be as concise as possible; but I imagine that I advanced very cogent arguments in a short space of time against the office of Lord Lieutenant. First, I objected to it as an unnecessary expense. I did not dwell upon that point, but I mentioned it as one item. I said, also, that Ireland was without a responsible Government in consequence of the existence of the Lord Lieutenancy. I said there were three persons concerned in the Irish Government the Home Secretary, the Lord Lieutenant, and the Chief Secretary, and that between the three there was no responsible Governor in Ireland. I objected to the continuance of that anomaly. I said, "Do away with the Lord Lieutenant; appoint, if you please, a real Governor for Ireland, and, above all, make him responsible to this House." It was not for me to enter into any long enumeration of evils after that statement. Moreover, Sir, I followed a very good example—that of the noble Lord the Member for London. I followed him as far as a private Member could follow a Prime Minister. He proposed, first, the abolition of the office of the Lord Lieutenant, and, secondly, the substitution of something else in its place. I, as a private Member, was not in a condition to propose to this House anything like a scheme of Government; but I was in a condition—it was, indeed, part of my duty—to submit to the House faults which I believed to exist in the administration of Ireland. I pointed out those defects, and I left it to the House to determine upon them. Let me ask the House to consider for a moment what they are about to determine. By the aid of science—by the railroad and the electric telegraph—we have brought Dublin within eleven hours of London, and I say compare Ireland at the present day with what Scotland was in the reign of Queen Anne, when the Union was formed with England. At that time to travel from London to Edinburgh took three weeks or a month. Did Lord Somers then ask the House of Commons to appoint anything like a Viceroy for Scotland? Did he not distinctly put his authority against such a thing! In the reign of Queen Anne, when it took three weeks or a month to go from London to Scotland—a country governed by laws very different from those of England — a country in which not only the law, but the administration of the law was peculiar—nobody thought it requisite to establish a Viceroy at Edinburgh. I ask you, then, now that you are within eleven hours of Dublin—now that Ireland ought to be considered by proximity, as well as by race, manners, and law, the same as England—why will you maintain a Viceroy in that country? You have established a Viceroy in Ireland because you conquered Ireland. But Ireland is no longer to be regarded as a conquered country. She is an integral part of the United Kingdom of Great Britain and Ireland. You do not want a Lord Lieutenant there, but the law. It has been said that we are about to remove from them the law courts. I say that is not a true objection. It is not fairly brought forward. It is mentioned for the purpose of frightening unthinking people. It is not honest, and no one can believe it. Who can believe that this House intended in 1850 to bring the Irish law courts to England? If we did not intend to do that in 1850—and Lord J. Russell, in moving for leave to bring in the Bill, distinctly stated that there was no such intention—the fear must be chimerical now. Why, the aim of all our recent legislation has been to bring the law to the door of every man—to make it local. You have spread County Courts all over England, and have thereby done away in a great measure with the jurisdiction of Westminster Hall. Can the generation that has done that be supposed to be so mad or so inconsistent as to desire to bring the law courts from Ireland and establish them in England? No man in his senses can dream of such a thing. I believe it is—to use a word which, curiously enough, now sounds harshly in the ears of the right hon. Gentleman the Member for Bucks—"a sham." Now, Sir, I want to know what the Lord Lieutenant does. I have seen Irish Gentlemen get up and talk of the Lord Lieutenant until they seemed to weep at the very idea of losing him. But I want to know what he really does. If any hon. Gentleman upon the Treasury Bench could enlighten me upon that point I should be very thankful to him. I know the Lord Lieutenant is part of a pageant which has this evening fallen under the special patronage of the right hon. Gentleman the Member for Bucks; but that pageant is worse than useless—it is mischievous. Can the Lord Lieutenant do anything? No. Go and consult him. Does he consider and determine like the Governor General of India? No such thing. He tells you that he will consult his superior, that he will send to England, that he is not a Cabinet Minister, that he has not the power to do anything, but that he will give you an answer by-and-by. For that, and that only, you have a Lord Lieutenant in Ireland. He may, it is true, extend his patronage to a race, hold a *levée,* or give a ball to the people of Dublin, but he has in reality no more to do with the Government of Ireland than the groom who waits upon him. Again, Sir, it has been said that during this debate certain harsh words have been used respecting individuals. I do not think that accusation can be made against me. I said nothing about any individual. I confined my observations to the broad and general grounds upon which I based my Motion, and made no allusion whatever to particular persons. Sir, I know that upon the present occasion I shall be in a small—ay, a miserable—minority; but that does not at all surprise me. In 1850, Lord J. Russell, then Prime Minister, "gave the office," and he was followed into the lobby by a large majority of this House, including many hon. Gentlemen whom I now see on the Treasury Bench. In 1857, Lord Palmerston is Prime Minister; he, too, in sporting phrase, will "give the office," and will be followed into the lobby by all the hon. Gentlemen upon the Treasury Bench, and by many on the opposite side of the House. That does not surprise me. I have been too long a Member of this House to wonder at any change that I see in it. I must say, however, that a greater change than this I never saw, for if in 1850 it was a matter of policy to do away with the Lord Lieutenancy, in 1857 it is still more so, because at the former period there was danger in every step that you took about Ireland, whereas now Ireland is quiet, and the Reform may be effected with perfect safety. But, Sir, I have been told—and the statement does not astonish me—that where there is doubt, difficulty, and danger, we must not move an inch because there is doubt, difficulty, and danger; and that when there is perfect peace—when there is no doubt, no difficulty, no danger—we must not propose a remedy for any existing evil because all is quiet. All is now quiet in Ireland, and I suppose that, however just, however politic, however consonant to the views of hon. Members, my proposition will be rejected by a large majority.

Whereupon previous Question put, "That that Question be now put."

The House divided:—Ayes, 115; Noes 266: Majority, 151.

List of the AYES.

Adair, H. E.
Adderley, C. B.
Adeane, H. J.
Alcock, T.
Anderson, Sir J.
Archdall, Capt. M.
Ayrton, A. S.
Baillie, H. J.
Barnard, T.
Baxter, W. E.
Beaumont, W. B.
Berkeley, F. W. F.
Biggs, J.
Black, A.
Blackburn, P.
Brocklehurst, J.
Bruce, H. A.
Butler, C. S.
Byng, hon. G.
Caird, J.
Cairns, H. M'C.
Cavendish, Lord
Cheetham, J.
Cholmeley, Sir M. J.
Clay, J.
Cobbett, J. M.
Collins, T.
Colvile, C. R.
Coningham, W.
Cox, W.
Craufurd, E. H. J.
Crawford, R. W.
Crook, J.
Crossley, F.
Dalgleish, R.
Davie, Sir H. R. F.
Davison, R.
Denison, hon. W. H. F.
Dillwyn, L. L.
Dunbar, Sir W.
Duncombe, hon. A.
Dunlop, A. M.
Ellice, E. (St. Andrew's)
Elton, Sir A. H.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R.
Finlay, A. S.
Forster, C.
Gaskell, J. M.
Gilpin, C.
Glyn, G. G.
Goderich, Visct.
Griffith, C. D.
Hackblock, W.
Hanbury, R.
Harris, J. D.
Henniker, Lord
Hodgson, K. D.
Jackson, W.
Johnstone, J. J. H.
Jones, D.
Kershaw, J.
King, hon. P. J. L.
Kinglake, A. W.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Langston, J. H.
Lennox, Lord A. F.
Lindsay, W. S.
Locke, Jos.
M'Clintock, J.
Melgund, Visct.
Moffatt, G.
Morris, D.
Nicoll, D.
Paget, C.
Pakenham, Col.
Pease, H.
Pechell, Sir G. B.
Philips, R. N.
Pilkington, J.
Portman, hon. W. H. B.
Repton, G. W. J.
Robartes, T. J. A.
Roupell, W.
Salisbury, E. G.
Sclater, G.
Sheridan, R. B.
Sheridan, H. B.
Smith, J. B.
Somerville, rt. hn. Sir W.
Stafford, A.
Stanley, Lord
Stapleton, J.
Stirling, W.
Sturt, H. G.

Talbot, C. R. M.
Thorneley, T.
Tollemache, hon. F. J.
Tomline, G.
Trelawny, Sir J. S.
Vane, Lord H.
Warburton, G. D.
Watkin, E. W.
Watkins, Col. L.
Whitbread, S.
White, J.
Williams, W.
Willyams, E. W. B.
Wise, J. A.
Woods, H.

TELLERS.

Roebuck, J. A.
Hadfield, G.

List of the NOES.

Adams, W. H.
Akroyd, E.
Annesley, hon. H.
Antrobus, E.
Bagwell, J.
Baines, rt. hon. M. T.
Ball, E.
Baring, T.
Baring, T. G.
Bernard, T. T.
Bernard, hon. W. S.
Bathurst, A. A.
Beach, W. W. B.
Beale, S.
Beamish, F. B.
Beecroft, G. S.
Bennet, P.
Bethell, Sir R.
Blake, J.
Blakemore, T. W. B.
Boldero, Col.
Booth, Sir R. G.
Botfield, B.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Bowyer, G.
Brady, J.
Bramley-Moore, J.
Bramston, T. W.
Brand, hon. H.
Briscoe, J. I.
Bruce, Lord E.
Bruce, Major C.
Buchanan, W.
Buckley, Gen.
Bulkeley, Sir R.
Buller, J. W.
Bunbury, W. B. M'C.
Burrell, Sir C. M.
Bury, Visct.
Butt, I.
Buxton, C.
Buxton, Sir E. N.
Calcraft, J. H.
Campbell, R. J. R.
Castlerosse, Visct.
Cavendish, hon. C. C.
Cavendish, hon. G.
Cayley, E. S.
Child, S.
Clark, J. J.
Clifford, C. C.
Clinton, Lord R.
Clive, hon. R. W.
Codrington, Sir W.
Codrington, Gen.
Cogan, W. H. F.
Colebrooke, Sir T. E.
Conyngham, Lord F.
Conolly, T.
Cooper, E. J.
Cowper, rt. hon. W. F.
Coote, Sir C. H.
Cowan, C.
Cubitt, Mr. Ald.
Dashwood, Sir G. H.
Deasy, R.
De Vere, S. E.
Disraeli, rt. hon. B.
Dodson, J. G.
Du Cane, C.
Dundas, F.
Dunne, M.
Du Pre, C. G.
East, Sir J. B.
Egerton, W. T.
Ellis, hon. L. A.
Elphinstone, Sir J.
Ennis, J.
Esmonde, J.
Fagan, W,
Farnham, E. B.
Farquhar, Sir M.
FitzGerald, rt. hon. J. D.
FirzRoy, rt. hon. H.
Fitzwilliam, hn. C. W. W.
Fitzwilliam, hon. G. W.
Foljambe, F. J. S.
Forde, Col.
Forster, Sir G.
Foster, W. O.
Fortescue, hon. F. D.
Fortescue, C. S.
Fraser, Sir W. A.
Freestun, Col.
Gard, R. S.
Garnett, W. J.
Gifford, Earl of
Gilpin, Col.
Glyn, G. C.
Gordon, L. D.
Greenall, G.
Gregson, S.
Grenfell, C. P.
Grenfell, C. W.
Greville, Col. F.
Gray, Capt.
Grey, rt. hon. Sir G.
Grey, R. W.
Grogan, E.
Grosvenor, Earl
Gurdon, B.
Gurney, S.
Hall, rt. hon. Sir B.
Hamilton, G. A.
Hamilton, J. H.
Hanmer, Sir J.
Harcourt, G. G.
Hassard, M.
Hatchell, J.
Hay, Lord J.
Heard, J. I.
Henchy, D. O'C.
Henley, rt. hon. J. W.
Herbert, H. A.
Hill, Lord E.
Hodgson, W. N.
Hopwood, J. T.
Horsfall, T. B.
Howard, hon. C. W. G.
Howard, Lord E.
Hudson, G.
Ingham, R.
Ingram, H.
Jervoise, Sir J. C.
Johnstone, hon. H. B.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jolliffe, H. H.
Keating, Sir H. S.
Kendall, N.
Ker, R.
King, E. B.
Kirk, W.
Knatchbull, W. F.
Knatchbull-Hugessen, E.
Labouchere, rt. hon. H.
Langton, W. G.
Langton, H. G.
Laurie, J.
Legh, G. C.
Lennox, Lord H. G.
Levinge, Sir R.
Lewis, rt. hon. Sir G. C.
Liddell, hon. H. G.
Lockhart, A. E.
Long, W.
Lowe, rt. hon. R.
Luce, T.
Macarthy, A.
Macartney, G.
Macaulay, K.
Mackie, J.
M'Cullagh, W. T.
Magan, W. H.
Maguire, J. F.
Malins, R.
Mangles, C. E.
Manners, Lord J.
Marsh, M. H.
Martin, C. W.
Martin, P. W.
Massey, W. N.
Matheson, A.
Miller, T. J.
Mills, A.
Mitchell, T. A.
Moody, C. A.
Morgan, O.
Mostyn, hn. T. E. M. L.
Mowbray, J. R.
Napier, Sir C.
Nisbet ,R. P.
Noel, hon. G. J.
Norreys, Sir D. J.
Norris, J. T.
North, Col.
O'Brien, P.
O'Brien, Sir T.
O'Connell, Capt. D.
O'Donaghoe, The
O'Flaherty, A.
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Packington, rt. hon. Sir J.
Palk, L.
Palmer, R. W.
Palmerston, Visct.
Peel, Sir R.
Peel, Gen.
Pevensey, Visct.
Philipps, J. H.
Potter, Sir J.
Price, W. P.
Pryse, E. L.
Pugh, D.
Puller, C. W.
Ramsden, Sir J. W.
Ramsay, Sir A.
Raynham, Visct.
Rebow, J. G.
Ricardo, O.
Ridley, G.
Robertson, P. F.
Rolt, J.
Russell, F. W.
Rust, J.
Sandon, Visct.
Schneider, H. W.
Seymer, H. D.
Smith, rt. hon. R. V.
Smith, Sir F.
Smollett, A.
Somers, J. P.
Somerset, Col.
Spooner, R.
Stanhope, J. B.
Stephenson, R.
Stuart, Lord J.
Stuart, Col.
Sturt, C. N.
Sullivan, M.
Sykes, Col. W. H.
Tancred, H. W.
Taylor, Col.
Taylor, S. W.
Thompson. Gen.
Thornhill, W. P.
Tottenham, C.
Townsend, J.
Traill, G.
Trefusis, hon. C. H. R.
Trollope, rt. hon. Sir J.
Trueman, C.
Turner, J. A.
Vance, J.
Vansittart, G. H.
Vansittart, W.
Verner, Sir W.
Villiers, rt. hon. C. P.
Waldron, L.
Warre, J. A.
Welby, W. E.
Western, S.
Westhead, J. P. B.
Wickham, H. W.
Williams, Col.
Willoughby, J. P.
Willson, A.
Wilson, J.
Wingfield, R. B.
Wood, rt. hon. Sir C.
Wrightson, W. B.
Wynn, Col.
Wynne, W. W. E.

TELLERS.

Hayter, rt. hon. W. G.
Mulgrave, Earl of

STEAMERS IN THE NAVY.

RETURNS MOVED FOR.

SIR CHARLES NAPIER said, he rose to move for returns relating to the reserved steamers and the steamers in commission at the various ports. He understood that the First Lord of the Admiralty intended to oppose his Motion on the ground that it would furnish to foreign Powers information which it would be wiser to keep from them. There was nothing, however, in the returns for which he asked that anybody who went down to Portsmouth, Plymouth, and other stations might not easily pick up, while the information was not known to the House of Commons; and therefore such a plea for withholding these particulars was wholly idle and fallacious. The only information given to the House respecting the Navy was comprised in the Estimates; and whether the money they voted was judiciously spent they had not the proper materials submitted to them for judging. Non-professional Gentlemen who looked at the *Navy List* would fancy that we had a respectable fleet, but in reality we had no fleet whatever for the defence of this country. The ships stationed at Sheerness, Chatham, Portsmouth, and Devonport, were wholly unfit for service, and were not manned at all, and there was not a screw line-of-battle ship among them. The few ships that we had on the home station ought at least to be efficient. With regard to our steamers we had several very bad vessels which were originally cut down; and out of the whole force in England we had not a single ship that, according to the notions of the present day, ought to be kept in commission. The *Wellington* was a fine three-decker of the old style of shipbuilding, and the *Formidable* was in the same position; but as for the rest they were only fit to be broken up. Instead of having our worst ships stationed here in time of peace we ought to have our best. The expense of keeping a good ship in commission was not more than that of a bad one. At present the Navy was entirely denuded of men, although a short time ago the First Lord of the Admiralty told the House that the Navy was so popular that he could not get rid of the men, and that when they were paid off they entered again immediately. Yet, an order having been sent down that the continuous service men who were entitled to their discharge after ten years' service might have their discharge at once if they thought proper, not less than 1,500 men at Portsmouth claimed the privilege, and asked for their discharge. He was also told that all the first class boys, who had been trained with great care, and were getting useful, were offered their discharge as well as the apprentice boys, and that every one of them also took their discharge. He did not blame the Admiralty for this, but he was sure that if the House of Commons were asked for men for manning the Navy they would be happy to vote them to-morrow. A pamphlet on the state of the Navy had been published within the last few days, which was well worthy the attention of the House and the Government. At present the state of the Navy was worse than when the late war broke out. In the autumn of 1853 we had a small though efficient squadron of reserve, and we had more ships ready for sea than we had at present. He did hope that the Government would take some energetic steps to preserve us from the danger which at present menaced us from the small force both of men and ships in the home ports. He put it to the House whether we were in a proper position. He admitted that on the foreign stations we had a respectable force; but we had not at home a sufficient force, nor could we get one for a long period, if any accident rendered a fleet necessary. The First Lord of the Admiralty, on moving the Navy Estimates, stated that this country had only forty-two steam line-of-battle ships, while France had forty, and he added that France, having 90,000 men available for that purpose, could man her fleet, while we could not. There were no ships in England from which to draught the men required to man a fleet, and it would be impossible to find them suddenly. He would, however, give the Government due credit for their management of the Coast Volunteers and the value of this source of supply. Instead of sending out screw ships to foreign stations he would recommend the Admiralty to send out sailing ships; for if it were found necessary to recall them they could not come home with the same rapidity as screw vessels. It appeared from a recent debate in another place that all the troops going to India were to be sent out in sailing vessels, and one noble Lord stated that sailing vessels would convey them faster than steamers. If so, why were we building screw steamers at an enormous expense? No doubt, there were delays in calling at the Cape and coaling, but if the screw vessels took the same course as the sailing vessels, and used their coals in a calm, there seemed no doubt that they would make quicker voyages. The Government, in sending sailing vessels to foreign stations, should also remember that if we were at war it would be a great advantage to an enemy to carry his steam force to our Colonies, when he would there have to encounter only sailing vessels. Where would the First Lord get men in case of war, if our ports were blockaded, and our sailing vessels abroad were not able to get home? He blamed the Ministry for not asking for more men. He found by the Estimates that the number of our naval force amounted, in the present year, to 52,153 men; but, from that number, 5,700—the amount of those engaged in the coast-guard service—must be deducted; so that the number of effective men, including the marines, was not above 46,453. That he regarded as an insufficient force; and he must, therefore, urge upon the Government the expediency of taking active steps to remedy a state of things which he could not look upon in any other light than as dangerous to the safety of the country. Ships were like fortifications, and he would admit that it was impossible to find finer ships than some of those they had at present; but ships alone did not compose a navy, for they became utterly useless if they were not properly manned with well-skilled seamen; and, seeing that other countries were busily engaged in drilling their seamen and manœuvring their fleets, he contended it was high time for the right hon. Baronet the First Lord of the Admiralty to do something to place the navy of England upon an equally advantageous footing.

MR. BENTINCK seconded the Motion. He said the House and the country ought to feel themselves very much obliged to the hon. and gallant Admiral for directing their attention to the subject. As far as he (Mr. Bentinck) could judge, our navy, in its present state, could not be considered as efficient, even according to the details of the service which had upon a former occasion been furnished by the right hon. Baronet the First Lord of the Admiralty himself. Those details distinctly proved that our naval force was not now sufficient to meet the requirements of the country in case a war should unexpectedly break out. He could but lament the apathy which existed in that House on the subject of the defences of the country. He trusted the earnest attention of the Government would, therefore, be directed to the subject, and must say he was astonished to find that, while money was night after night voted for comparatively insignificant purposes in that House, the Estimates for the Navy were sought to be cut down to the lowest possible amount. After the speech of the hon. and gallant Admiral, he thought the right hon. Baronet the First Lord of the Admiralty was bound to show that the naval strength of the country was amply sufficient to meet the event of a sudden emergency.

Motion made, and Question proposed, "That there be laid before this House a Return of the names and rates of the reserved Steamers at each port, their horse power, whether high or low pressure, screw or paddle, number of officers, men, and boys, engineers and stokers employed to take care of them, and how many were ready for Commission on the 1st day of June 1857:

"And, similar Return of the Steamers in Commission at the various ports, with their crews, how many coastguard men are borne on their books, the number of coast volunteers enrolled, and how many have been called out and drilled."

SIR CHARLES WOOD, who was very indistinctly heard, was understood to say, that he scarcely deemed it expedient to follow the hon. and gallant Admiral and the hon. Member for Norfolk into a discussion with respect to the general state of our naval force, upon a Motion such as that before the House, especially when he took into consideration the circumstance that when he had, a short time since, moved the Naval Estimates, he had entered largely into detail in connection with the subject. He had, upon that occasion, stated that he thought the number of men which he asked the House to sanction would be found to be sufficient, and he did not think that anything had since occurred in reference to our relations with foreign countries which rendered it expedient that that number should be increased. The number of seamen and boys which had been voted for the service was 33,000, while the number of marines was 15,000, making a total of 48,000 effective men, and not 46,453, as the hon. and gallant Admiral had observed. That number was exclusive of the coast-guard, which amounted to 5,700 men, and taking all the circumstances of our position into account, he saw no good reason why the country should be put to the expense of maintaining a larger force. We had, it was true, this year, no home squadron or squadrons of evolution, but that was owing, as he had before stated, to the fact that we were engaged in hostilities with China. The Government had not deemed it desirable, in the absence of a large portion of our fleet in that quarter, to ask Parliament for money to constitute a home squadron, bearing in mind that, when those hostilities were at an end, the fleet would return, and constitute a squadron of that nature, without the necessity of having recourse to any additional expenditure for the purpose. He might also remind the House that we now possessed a larger naval force than had ever yet been voted by Parliament in a time of general peace. If a war should unexpectedly break out, he believed that the country possessed a fleet quite able to cope with any force which was likely to be brought against it. The Government were the best judges of the chances of war, and it certainly was not desirable in time of peace, and with no prospect of a conflict, to keep up such a naval or military establishment as it might be expedient to maintain if the country were on the eve of war. He found in certain correspondence which took place in the reign of Louis XV., a maxim laid down which was well worthy of attention, It was, Do anything but go to war with England; keep her in a state of alarm, so that she may think it necessary to keep up an enormous army and navy, and that will exhaust the resources of any country. That maxim involved a caution worthy of being attended to. He would assure the House that if the Government thought it necessary to increase the number of men they would at once come down to it; and he was sure that no British House of Commons would ever refuse to vote the number of men which the Government might deem necessary in case of emergency for the safety of the country. He was glad that the hon. and gallant Admiral had spoken in terms of praise of the system which had been established with regard to the Coast Volunteers, because he believed that that system tended to provide a good reserve of seamen. With regard to the returns moved for by the hon. and gallant Admiral, he could only say that whatever information any foreign Government might derive, with regard to the force of this country, from private sources, it was a universal rule not to publish any official statement upon the subject, and, therefore, he felt it to be his duty to oppose the Motion.

Mr. LINDSAY observed, that he thought that so far from any danger resulting from foreign powers being made acquainted with the number of ships which this country had at her disposal, it would be a great safeguard, because he believed that such a list would be shown as would make any power think twice before venturing to come into collision with them. He did not believe, however, that there were a sufficient number of ships in commission at present to defend the shores of the country.

Admiral DUNCOMBE remarked, that he entirely disagreed with all the observations of the hon. and gallant Admiral. He thought our ships were sufficiently numerous, and that they were in an efficient state for the protection of the country. He denied that the late Government had built ships without bottoms, that could neither fight nor run. He for one did not wish to see ships run away, and, as for fighting, the hon. and gallant Admiral had given them little chance of doing that when he had a fleet under his command.

General THOMPSON said, he could not hear the subject of manning the navy discussed, without suggesting that more use might be made of the corps of Marines; and in excuse for speaking in the presence of "great ammirals" and sea kings, he would note that he had himself risen to the rank of mate of the watch and prize-master, and therefore knew a sailor from a marine. The service of the Marines was very popular in the country; in proof of which, they had their choice of recruits, and consequently the finest men to be anywhere seen. The prestige of the British Navy extended to the inhabitants of the interior, and men who had no chance of engaging as seamen, entered into the Marines. This opened an almost unlimited power of adding to the men for naval service, provided the Marines were trained, as they might be, for the object in view; and it implied no necessary increase of either men or money, for a battalion of Marines was as capable of service in a garrison as a battalion of infantry. If there should ever be a drawn naval battle in the Mediterranean, the Baltic, or the Channel, and both parties, after having perhaps a third of their men disabled, fell back on their depôts to see which could refit for sea the soonest, what possible reinforcement could be so prompt and effectual as finding a battalion of Marines at Malta, Corfu, and Gibraltar, or at Sheerness, Portsmouth, and Plymouth, provided these men were trained for such an emergency? And what would be the training an admiral in such circumstances would desire? Clearly that they should be Marine Artillery. Why should not the Marines be Marine Artillery? At present the navy had a certain number of Marines per gun, and they were trained to work the guns. Would any admiral, in the emergency described, object to having their number doubled? While on this subject he would suggest that there were many passed midshipmen, who, seeing no prospect of obtaining the rank of lieutenant in the navy, would be glad to accept the rank of ensign in the Marines; and he would leave it to any sea-officer to say, how superior the services of an officer of this kind would be, for instance in boats on a boarding-party, to those of a boy who had not his sea legs, and must be helped on board instead of helping anybody else. In some of this he saw matter of useful consideration.

SIR JAMES ELPHINSTONE said, he thought they had got beyond the range laid down by the hon. and gallant Admiral. The great question to which they ought to confine their attention was to get men—of ships they had sufficient. They were now carrying on war, and it was clear it would be impossible to recall men from China if they were suddenly wanted. He could not but characterise as reckless the way men had been discharged from the navy, and the way in which fine ships had been put out of commission, and worthless sailing vessels sent out in their place. It would now be difficult to recover those men for the country if any untoward circumstances should arise to require them. The order of the Admiralty to give continuous-service men their discharge had had the effect, in the case of the *Orion* in the Gulf of Mexico, of obliging the captain to grant the discharge of men who had been guilty of insubordination, by coming to the quarter-deck and demanding it in a body.

MR. HANKEY said, he rose to move the adjournment of the House, in consequence of the length of time hon. Members had been kept in attendance.

Motion made, and Question proposed, "That this House do now adjourn."

SIR CHARLES WOOD hoped his hon. Friend would not press his Motion until the subject then before the House had been disposed of.

SIR CHARLES NAPIER then replied, but was almost inaudible. He said that an hon. and gallant Member had used words which were ungentlemanlike and dishonourable in reference to him. The fact was that he had copied the number of the men in the navy from the Estimates.

ADMIRAL DUNCOMBE said, he rose to order, and to call the attention of the Speaker to these unparliamentary expressions.

MR. SPEAKER: The use of those words by the hon. and gallant Admiral certainly escaped my notice; but I cannot doubt that his attention having been directed to them he will withdraw those expressions, which are, as the hon. and gallant Admiral must know, quite unparliamentary.

SIR CHARLES NAPIER: The House must remember that I received very severe provocation. The hon. and gallant Member reflected on my conduct when commanding in the Baltic, and said I had given the fleet no opportunity of fighting, whereas he must have known perfectly well that it was impossible. If the House is of opinion that I ought to withdraw these expressions I will do so.

Motion, by leave, *withdrawn;* Question put and *negatived.*

SIR CHARLES NAPIER said, there had been a mistake. He thought Mr. Speaker had been putting the Motion for adjournment.

MR. HANKEY said, he should again press his Motion for adjournment.

Motion made, and Question put, "That this House do now adjourn."

The House *divided*:—Ayes 140; Noes 54: Majority 86.

House adjourned at a Quarter
before One o'clock.

HOUSE OF COMMONS,

Wednesday, July 8, 1857.

MINUTE.] PUBLIC BILL.—3° Turnpike Trusts Abolition (Ireland).

THAMES CONSERVANCY BILL.
CHANGED FROM THAMES AND MEDWAY CONSERVANCY [BY ORDER].

THIRD READING.

(Queen's *Consent,* and on behalf of the Duchies of Cornwall and Lancaster, signified).

Order for Third Reading read.

Motion made, and Question proposed,

"That the Bill be now read the third time."

General CODRINGTON rose to oppose the Bill. This he said was perhaps an unusual course to adopt, but he did so because he knew it was the opinion of his late father, Sir Edward Codrington expressed in strong terms to the First Lord of the Admiralty, to the effect that the navigation of the river Thames and of all tidal rivers was liable to be seriously damaged by embankments, wharfs, and piers thrown into them by irresponsible persons. An examination of the details of this Bill had convinced him that, although it was introduced as a private measure, it was, nevertheless, one of the greatest possible public importance. It was a compromise of a long standing suit between the City and the Government as to which party had a legal claim to the foreshores of the river. By it the conservancy of the river was handed over to a body called the conservators of the river Thames, the majority of which consisted of members of the Corporation, and the minority of nominees of the Government. It proposed to give them power to embank it and to project wharfs, and to receive rents from them; the conditions being that two-thirds of the revenues should be retained by the Board ostensibly for the object of improving the navigation of the river; and that the other should be handed over to the Government, for what object the Bill did not state. Such a body, he thought, was scarcely responsible to that House, and he did not see how the House could have any control over their management of the navigation of the river. He was not aware of the opinion entertained by the Board of Admiralty with respect to the Bill, but he had seen a report issued by the Board of Trade which condemned in very strong terms the proposed appointment of conservators of the river. The Board of Trade in that report referred to an opinion expressed by a Committee which had sat upon the subject, to the effect that the management of the navigation of the river should not be intrusted to the city Corporation, because its members had not the requisite technical knowledge. The Board of Trade then referred to the scheme proposed by that Committee for the conservancy of the river, and added that this Bill failed on two important points to carry that scheme into effect. By the present Bill the civic element would consist of the Lord Mayor, two aldermen, and four members of the Common Council, forming a majority, while the minority would be composed of two Members of the Trinity House, two members nominated by the Board of Admiralty, and one by the Board of Trade. So that in any question affecting the rights and interests of the public in the navigation of the river the power of the Board would rest entirely with the Corporation. That was a main point, and he thought that the Government had given up to what was practically an irresponsible body, a very important trust. There were many other objectionable features in the Bill. It laid down no principle as to the future system of maintaining the banks of the river, and with the exception of a clause which required the consent of the Admiralty to anything which impeded the navigation of the river, nothing was said as to the system on which wharfs were to be established, and it would therefore be open to the city Corporation to authorize the construction of as many wharfs as they please upon the embankments. He thought a Bill of this kind should not have been introduced as a private Bill, of which hon. Members generally remained ignorant of the details;—it should have been brought in as a public Bill liable to public discussion and public objection. Having expressed a hope that the subject would be fully discussed, he moved that the Bill be read a third time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. AYRTON said, he fully concurred in the opinion of the hon. and gallant general, and could not understand on what principle a measure which would deal with the whole of the commerce of the port of London had been introduced as a private Bill, and therefore hoped that before the discussion proceeded further the right hon. Gentleman in the chair would say whether it had been properly introduced as a private Bill.

Sir WILLIAM JOLLIFFE wished to observe, before the hon. Gentleman's question was answered, that this, which professed to be a merely private Bill, would interfere with the rights of no less than four or five counties.

Mr. SPEAKER: The hon. Member having done me the favour of mentioning to me last night the doubt which he had on this point, I have given to it the best attention that I could. The Bill was introduced in the last, and has been revived in the present Parliament. The notices have been given in due form, and the Standing Orders have been proved to have been complied with. The Conservators of the river are the promoters of the Bill, and although it is perfectly true that great public interests are involved in it, there have been many other cases in which Bills, dealing in a similar manner with public interests, have been allowed to be introduced as private Bills. I believe that, according to Parliamentary practice, this Bill, however largely it involves the public interests, has been properly brought into the House as a private Bill.

Mr. Alderman CUBITT said, that the origin of the Bill was this—About fourteen years ago a great deal of objection was made to the unsightliness of the banks of the river Thames between Westminster and Greenwich, and several schemes were suggested for beautifying both sides of the river. One of the Admiralty engineers and two other eminent engineers devoted a great deal of attention to the subject, and finally they agreed upon a plan, which was submitted to the Corporation of the city of London. The Corporation, who were interested in the property of the bed and soil of the river, desired to have certain indentations along each side of the river filled up, and they proposed to empower the parties who owned property near those recesses to fill them up upon terms to be agreed upon. The Solicitor of the Woods and Forests thought that that course was an invasion of the rights of the Crown, and he instituted a suit against the Corporation, in which the Crown claimed the property of the bed and soil of the river. That suit was prosecuted for several years in the law courts as several ineffectual attempts had been made to settle the dispute ; but at length a compromise was entered into, which this Bill would carry into effect. The City had conceded to the Crown the right to deal with the shores and bed of the river, and had entered into an engagement to hand over to the Crown one third of the revenue derived from land appropriated as wharfs; the Corporation had no selfish objects to serve —all they desired was to discharge efficiently one of their public duties. He had been connected with the city for several years, and he could conscientiously say that the Corporation had not the slightest pecuniary or selfish interest in the matter.

Sir DE LACY EVANS thought that the candid declaration of the worthy Alderman was entitled to considerable weight He understood that one or two clauses with reference to a new tax on steamers plying above bridge had been omitted. If that were so, a great deal of his objection to the Bill had been removed. Nevertheless, he must regard the Bill as a species of rather retrograde legislation. Every corporation in the kingdom but that of the city of London had been reformed. The moderate reform proposed by the Government a year or two ago was still opposed by the city Corporation. The House ought to recollect that that Corporation was instituted at a time when the commerce of London was insignificant in comparison with its present gigantic proportions. Liverpool, about 100 years ago, was little more than a village, but its port was now only second to that of London in respect of commercial importance; and as the Corporation of Liverpool had been reformed to meet the existing state of things, so ought that of London. The city of London was in ancient times the capital of the kingdom, but now London proper had a population of 160,000, while that of the metropolis was about 2,500,000. That was a further reason for reforming the Corporation. He concurred with the hon. and gallant General in thinking that one of the principal objections to this Bill was that it proposed to constitute a Board the greater part of whose members would not be qualified to deal with the matters intrusted to them. He entertained the highest respect for the members of the Common Council, but their pursuits and habits were wholly unconnected with navigation. And yet, if this Bill passed, they would always have the power of outvoting the Government on questions affecting the navigation of the Thames. In fact, they would be less responsible than heretofore for the proper navigation of the river, because if any complaint were hereafter made on that subject they would no doubt excuse themselves by saying that the Government was equally responsible with them. Under these circumstances, if the hon. and gallant General should insist on a division, he should be obliged to vote with him; but he recommended the hon. and gallant General to pursue a different course—namely, that of endeavouring to alter the composition of the Conservancy Board.

Mr. HENLEY assumed that the hon. and gallant General had not read the whole of the Report on which he had based his opposition to the Bill, because he had spoken of it as if it were the Report of a Committee of that House, whereas—[General CODRINGTON: I meant to say that it was the Report of a Commission.]—the question had been investigated not by a Committee, but by Commissioners, and that made a material difference. The House would recollect that those Commissioners were appointed to make a thorough inquiry with respect to the Corporation of London, in order to ascertain to what extent that sort of reform which had been applied to other corporations might be applied to it. So far as he was informed, the Commissioners did not make any inquiry as to the property of the Corporation, and it was important to bear that in mind, because the Report of the Board of Trade on this Bill, oddly enough, began by merely saying that the object of the Bill was to put an end to a suit now, or lately, pending between the Crown and the Corporation as to property claimed by the Corporation. But the fact was that that suit had been at that very time ended by an actual agreement entered into with the Corporation, in pursuance of a Treasury Minute, by which that suit, which had been going on for twelve or thirteen years, was compromised. It would have been a more correct description to have said that the object of this Bill was to carry into effect that agreement. But what he complained of was that in all the reasoning of that Report, from beginning to end, the Board of Trade wholly ignored that the City had a right to make any claim in this matter, and dealt with the Bill as if the agreement were a white sheet of paper. And that was not all; for in page 3 of their Report they dragged in another quotation from the Report of the Commissioners, for the purpose of making it appear that the suit was still pending; so that any one who had not read the two Reports with care—and especially any one who spoke of the Commissioners as if they were a Committee of that House—must suppose that the suit, instead of being settled, was still going on. For what other purpose but that of misleading could an extract from a Report of the Commissioners, bearing date 1854, have been put in so prominent a part of the Report made by the Board of Trade with respect to this Bill? Moreover, the Board of Trade dragged in coal duties, metage, and wine duties, and a great many other things, which might be all very well if this were a Bill for the reform of the city Corporation. It seemed to him that, as this Bill would settle a greatly litigated point between the Crown and the Corporation, it would facilitate rather than impede a general arrangement for the reform of the Corporation of the city. The Report of the Board of Trade was an attack upon the Treasury Minute by which the compromise was agreed to. Every line of that Report was directed, not so much against the Bill as against the Treasury Minute, because the Bill, even with respect to that which had been so much objected to—namely, the constitution of the Board of Conservancy, did no more than carry out to the letter the compromise contained in the Treasury Minute. Counting by noses, no doubt the Corporation had the majority in the Board of Conservancy proposed to be established; but he thought the weight of the minority, and the influence of public opinion, might be relied on to override any undue preponderance on the other side. He had another objection, however, to the new Board, for he must say that the proposed Board, composed as it was of nominees of the Corporation and of the Crown, with two members designated by the Trinity House, did seem to him to be independently constituted. It was said that the Bill would affect private rights, and no doubt it would do so; but full and ample notice was always given in the case of private Bills, and if any private rights were invaded this ought to have been pointed out at the proper time, when the Bill was in Committee. All he could say on this point was that he happened to be the owner of some waterside property on the Thames, and he did not feel himself aggrieved by this measure. It was rather unusual, after a Bill had gone through the ordeal of a Committee, to start such objections as had been taken now upon the present stage, and he should, under all the circumstances, certainly support the third reading.

MR. AYRTON said, the reason the Bill had not been opposed on the second reading was, that, being a private Bill, the attention of hon. Members had not been called to it in the way it would have been had it been a public Bill. He could not see that the Bill had been introduced for the purpose of carrying out the arrangement entered into between the Corporation and the Crown. He had read the agreement as recited in the Bill, and there was not a single passage in it which in any way referred to the constitution of the Board of Conservancy; in fact, the Bill did not appear to have any connection with or sequence from the agreement entered into between the Corporation and the Crown, which would hold good whether this Bill passed or not. It stated that, in order to conclude the suit then pending, the rights of the Crown were to be surrendered to the Corporation of London as conservators of the Thames; and it then provided that certain accounts were to be rendered by the Corporation to the Crown; but he could not find a single word in it which had any bearing upon the Bill, or which related to the conservancy of the river, or anticipated that any change was to be made in the governing body, the Corporation of London. The question, then—the Bill having been now brought to their notice for the first time—if it was expedient that such a measure as this should be passed, seriously affecting, as it did, the great interests which were involved in the commerce of the City of London. If the Bill had been referred to a Committee, not of five—regarding it merely as a question relating to the interests of the Corporation—but of fifteen Members of that House, representing all interests concerned, and they had approved of it, he should have willingly bowed to their decision; but, as it was, until the principle involved in the measure had received the deliberate attention and decision of the House, he felt that he was fairly entitled to dissent from it. The position of the Corporation of London in reference to the commerce of the Thames, was far different now from what it was when the conservancy of the river was vested in their hands. As long as the trade and commerce of London were confined between the Tower on the one hand and Fleet Ditch on the other, it was right that the conservancy of the river should be vested in the hands of the Corporation; but that was now no longer the case, and he contended that they must proceed either upon the system suggested in the Report of the Commission, namely, that the management of the river should be vested in members of the Government, directly responsible to this House, or else in those who were most intimately connected with the commerce of London, and might be presumed to be the most competent to manage their own affairs, and look after their own interests. He admitted the principle that the Corporation should be adequately represented in the Conservancy Board, and he was quite willing that the chief of the Board should be the Lord Mayor; but he contended that there should also be some elements in the Board to represent the interests of the great docks and other establishments where the principal part of the commerce of the metropolis was carried on. He (Mr. Ayrton) had therefore no alternative but to support the Motion of the hon. and gallant General, the effect of which would be to refer the Bill to another Session. The wharf owners and the dock companies had the deepest interest in the conservancy of the river, and no Board, therefore, which they did not form part of could be satisfactory. He hoped, therefore, the House would refuse its consent to the third reading; and that, by deferring it to next Session, they would give opportunity to its promoters to make the measure more consistent with the commercial interests of the City of London.

The CHANCELLOR of the EXCHEQUER observed, that two objections had been taken to the third reading of this Bill—one to the form of proceeding, and another to the contents of the measure itself. It was said, in the first place, that this ought to have been a public, and not a private Bill; and next that the Constitution of the Court of Conservancy was objectionable. Now, with reference to the first objection, he would observe that, according to precedent, Bills of Conservancy had been always treated as private Bills; and that there was now a private Bill for the Conservancy of the Mersey, which had been referred to a Select Committee, over which his right hon. Friend Sir James Graham had with great ability presided. The House should remember that many securities existed in the case of private which did not exist in that of public Bills. Looking to the vast number of most important Acts now under the consideration of the House, it was not very likely that if a Bill of 166 clauses relating to the conservancy of the Thames had been brought in as a public measure it would have been very carefully debated across the table of this House; whereas, being introduced as a private Bill, notices were required, it went before the Examiners, interested parties were served with notices, and had an opportunity of being heard by counsel before a Select Committee, witnesses could be examined, and Reports of public Departments were made for the information of the Committee. It seemed to him, therefore, that there were more effectual securities for the due consideration of a Bill of this sort as a private than as a public measure. He could not, therefore, concede that there was any force in the objection that opportunity had not been given to the opponents of the Bill. Ample opportunity had been afforded to its adversaries if they had chosen to avail themselves of it; but they had not done so, and it was very inconvenient now to bring forward objections and ask the House to reject this Bill. This was not a usual course to take with regard to private Bills, and he trusted the House would not pursue it, except upon much stronger grounds than had yet been stated. But then it was said—"Why has the Government thrown overboard the Report of the Board of Trade?" In reply to this he might ask why that Report took such little notice of the suit pending between the Corporation and the Government, and the agreement come to between them. This Bill took its rise exclusively in the wish to settle a long pending suit between the City and the Crown with regard to the bed and shores of the Thames. As to the conservancy itself, no dispute had existed. It was vested, as had been admitted on the part of the Crown, in the City of London; but the dispute was as to whether that conservancy involved the title to the bed and shores of the river. Now, if this Bill were rejected, the result would be that the whole power respecting the conservancy would revert to the City. The hon. Member for the Tower Hamlets had said that all the House would do by accepting the Motion of the hon. and gallant Member for Greenwich would be to postpone the Bill till next Session. That was not the case; by adopting the Amendment, hon. Members would not postpone, but would absolutely reject the measure, which if introduced next year must be proceeded with *de novo.* In his opinion, the settlement—for he did not call it a compromise—proposed with regard to the suit pending between the Crown and the City was a perfectly fair one. The City had conceded the principle contended for by the Crown; and though under the settlement the Crown would be entitled to the whole revenue arising from the banks and shores of the river, yet knowing the difficulty of providing an adequate fund for maintaining the conservancy of the river, the Government had reserved only one third of that revenue for themselves. The only remaining question

was that respecting the constitution of the Conservancy Board. It might be said that it would be better if the majority of the members were nominated by the Crown, instead of by the City. Something, however, was due to existing rights. At present, the whole power connected with the conservancy of the Thames was vested in the City. The Corporation, practically, had found the funds to carry it out, and there was a large debt upon those funds, a great part of which they had already liquidated. Under these circumstances it seemed to him that the arrangement embodied in this Bill was a perfectly fair one. Of the members of the Board he thought he might say, *ponderandi, non numerandi sunt;* though the nominees of the Government and the Trinity House would be in a minority, yet, representing public opinion and possessing the power of appealing through the Government to this House, their influence at the Board could not be reckoned by a mere arithmetical calculation. He would say, however, that this constitution of the Board of Conservancy was adopted with a view to the public interest and that of the port of London generally, and not with a view to mere sectional and city interests. He would repeat, therefore, what he had stated on a former occasion — namely, that if upon experience it should be found that the City abused their powers for partial objects, it would then become the duty of the representatives of the Government to bring the matter under their consideration, and if he held office he should consider himself bound to revise the arrangement, and submit to this House a new constitution of the Board. He would remind hon. Gentlemen that if the Bill were rejected the effect would be to throw back the conservancy of the river upon the old system, than which nothing could be more unsatisfactory—for some years past the conservancy of the river had been practically neglected, owing to the disputes which had sprung up, and it was a matter of urgent public importance that this long litigated question should be brought to an issue. He hoped, therefore, that the House would not take the unusual course of rejecting this Bill upon its third reading after a Select Committee had reported in its favour.

SIR JOHN TRELAWNY was told that there existed a Report which very materially affected the present question. The Bill embodied a compromise between the

Crown and the Corporation, but third parties were concerned, whose rights had been entirely lost sight of. He referred to the landed gentry and corporations throughout England, and to their interest in the foreshore which was materially affected by this measure. He suggested that the Bill should be postponed until those interested were made aware of its real effect.

THE CHANCELLOR OF THE EXCHEQUER was not aware of the existence of the Report to which the hon. Baronet had alluded; but if he would refer to this Bill he would see that the agreement between the Land Revenue-office and the City was set out at length, and that it merely referred to this particular suit. What the Attorney-General held was that the bed and shores of the Thames were vested in the Crown, while the City claimed them as conservators of the river.

SIR JAMES GRAHAM said, he was perfectly aware of the consequences of the Vote he was about to give, and should record it against the third reading of this Bill. He could very well understand that as between the Crown and the Corporation as litigants the arrangement made by the Chancellor of the Exchequer was advantageous to the former; but there were third parties of far more importance than either—namely, the public and the owners of property on both sides of the river, whose interests his right hon. Friend had unguardedly overlooked. He admitted that since the Bill was last before the House the measure had certainly been rendered less objectionable. At that time there was a clause giving to this body of Conservators a direct power of taxing all steamers plying above bridge, between Putney and Teddington. This power was now withdrawn, and the Bill, therefore, to that extent had been improved. Still, however, very large taxing powers remained. There were the power of licensing landowners to make docks and wharfs; a power of taking tolls for and leasing new piers and landing-places; and also for making, altering, and removing piers and landing-places—all most importand powers, and all yielding to this conservancy fund a large and, probably, an increasing revenue. It was not for him to defend the Board of Trade from the adverse comments of the Chancellor of the Exchequer, but he did think that that Board had faithfully discharged its duties in laying before the Committee on this Bill the information they had afforded. The question now was really narrowed to this issue:—On the whole, is the proposed Conservancy Board well constituted? On this point he should like to hear a distinct answer to the question whether it was part of the arrangement between the Government and the Corporation when they compounded the suit that this composition of the Conservancy Board should be a fixed principle. If this were a part of the bargain entered into, he objected to it so strongly that he should certainly incur the risk of voting against the third reading of this Bill. One of two things would happen upon the present rejection of the measure,—either it would be brought forward next Session, and this standing majority on the part of the Corporation in the Conservancy Board would not be proposed; or, if the measure were not then reintroduced, the whole matter would remain in abeyance until the general subject of the reform of the City Corporation was undertaken on the responsibility of the Government, and whenever that time came he was confident the conservancy of the Thames would not be placed in such a body as was now suggested. There was, he thought, great force in the argument that a body so nominated was practically irresponsible. For himself, he preferred an elected body; but if there was to be a nominated body he could conceive nothing more incongruous than a double system of adverse nomination by a close body like the Corporation on the one side and partial nomination by the Executive Government on the other. He was at a loss to conceive on what principle the House at this time of day should affirm that the best conservancy for the most important port of England, and for that river on which they prided themselves, should be vested in the Lord Mayor, two Aldermen, and four Common Councilmen of the City of London. What was the peculiar aptitude of that body to administer affairs of such immense magnitude? He spoke with all respect of the Lord Mayor and of the ponderosity and weight which his presence at the Board might be supposed to exercise. But the Corporation were to have both weight and numbers too. He supposed that in the composition of the Board it would be considered, that like turtle soup, the more fat that was put into it the better; while as regarded the tax-payers the principle would be adopted which was pursued in the manufacture of lime punch, in which squeezing was the great necessity. He feared under this Bill that the tax-payers would be squeezed unmercifully and excessively. On the whole he believed that the Board of Conservancy would be an irresponsible body. It would be even less responsible than the Corporation was at present; and being fully aware of the effect of the vote which he was about to give he should record it with great pleasure against the third reading of the Bill.

THE CHANCELLOR OF THE EXCHEQUER said, the agreement between the Commissioners of Woods and the Corporation was, that the settlement should be framed on the principle of the Bill of 1847, which had been adopted by the Government.

SIR JAMES DUKE had hoped that the alterations which had been made in the Bill since the second reading would have conciliated the support of those hon. Members who had previously signified their intention of opposing it. He had been acquainted with the river Thames for forty years, and when he first knew it coasting vessels paid tonnage dues of 4*d.* and 2*d.* a ton, but now the only tonnage dues imposed were on first, second, and third class vessels $\frac{1}{2}$*d.* a ton, and on the fourth and fifth class vessels $\frac{3}{4}$*d.* a ton. The Bill had been submitted clause by clause to the proper department of the Government, and every suggestion which had been made by the authorities of that department had been adopted. He contended that there were among the members of the Corporation several gentlemen as well qualified to perform the duties of conservators of the river as any men who could be nominated, and, although practically the Corporation would have a majority on the Board of Conservancy, it was not likely that they would unite to carry out corporate objects to the detriment of the public interests. The Corporation had set apart a large sum out of their revenues for the improvement of the metropolis, and he was satisfied that they would be prepared, in their character of conservators, to lend a helping hand to the improvement of the river Thames, with which they had been long connected, and from which he admitted they had received great advantages. He trusted that the House would sanction the third reading of the Bill, and he was satisfied if they did so that the Corporation of London would prove to the country and to Parliament that their only desire was to promote the interests of the public and to improve the navigation of the river. With respect to introducing the measure as a private Bill, he observed that the forms of the House had been complied with in that respect, and he reminded hon. Members that only on the previous day a precisely similar measure, affecting the navigation of the river Clyde, had passed as a private Bill without a word of opposition being made to it. He therefore did not think that any objection should be raised to this Bill because of the form in which it had been introduced.

Question put, "That the word 'now' stand part of the Question."

The House *divided* :—Ayes 172; Noes 78: Majority 94.

Main Question put, and *agreed to.*

Bill read 3°, and *passed.* [New Title.]

EXPENSES OF THE PERSIAN AND CHINESE WAR—ESTIMATE.

THE CHANCELLOR OF THE EXCHEQUER presented Estimates to the amount of £500,000 towards the reimbursement to the East India Company of a moiety of the extraordinary expenses of the expedition to Persia (by command); also an Estimate to the amount of £500,000 for naval and military operations in China (by command), and moved that the said Estimates be referred to the Committee of Supply. The right hon. Gentleman also gave notice that in the course of the present month he should move a Resolution in Committee of Ways and Means with the view of founding upon it a Bill for continuing the present duties upon tea and sugar as fixed by the Act of last Session for two years from the 1st of April next.

Motion made, and Question proposed, "That the said Estimates be referred to the Committee of Supply."

MR. ROEBUCK said, he could not allow this opportunity to pass without protesting against what appeared to him to be a most unconstitutional transaction. A war had been declared, an expedition had been undertaken, a peace had been made, and the first intimation which the House of Commons received of the whole transaction was that a Bill was to be paid. He thought that the House would abdicate its functions, and that it would not deserve to be called the House of Commons of England if it did not mark with its reprobation such proceedings as he had described. In the whole history of the House of Commons, from 1640 down to the present hour, such a thing had never happened. It had been reserved for a Liberal Government, and for the present Prime Minister of England, to throw that slur and stigma upon the House of Commons, and if the House of Commons submitted to it, it would show that the noble Lord had a better appreciation of them than he (Mr. Roebuck) had.

SIR HENRY WILLOUGHBY said, that he had understood, in answer to a question which he had addressed to the Chancellor of the Exchequer, that the grant to be moved for the Persian war was £265,000. He wished to know whether the £500,000 now named in the Estimate was to be in addition to that £265,000, or whether the smaller sum were included in the greater. He had understood, also, that the Indian Government were to bear half the expenses, and he wanted to know, therefore, whether £1,000,000 would cover the whole expenses of the Persian war?

THE CHANCELLOR OF THE EXCHEQUER said, that it would be unusual and inconvenient for the House to enter into a premature discussion upon the Estimates being laid upon the table. He had merely laid the Estimates on the table at this time as a matter of convenience, and he would only state, in answer to the question of the hon. Baronet, that when he stated that the amount to be asked this Session would be £260,000, it was early in the Session, before the termination of the war, before the signature of the treaty of peace, and upon the best data to which he then had access. The sum which he now stated was inclusive of, and not additional to, that sum. It would be the entire demand to be made upon the House this Session, and it would replace the advances made by the India Company.

MR. SCOTT said, that by the peculiar form of the expression used by the right hon. Gentleman the Chancellor of the Exchequer, limiting his observations to the present Session, he would seem to infer that there was a further sum to be demanded in respect of this war upon a future occasion. When the right hon. Gentleman said that it was not usual to raise a discussion upon laying Estimates upon the table, he (Mr. Scott) must observe, that nothing could be more unusual than the course which the right hon. Gentleman himself had adopted with regard to this question. As the hon. and learned Member for Sheffield had truly said, the first intimation of the affair which had been given to the House was, that there would be £260,000 to be paid, and that intimation was given to them after the war had been concluded, without any information having been afforded to the country that such a thing had been undertaken. Was not that somewhat unusual? The right hon. Gentleman complained that any one should call attention to the subject, because he had simply doubled the sum which he first stated that the country would be called upon to pay; and then he had guarded his answer to the hon. Baronet in such a manner, as to imply that even double the sum was but an instalment, and that in another Session the country would be asked for some unknown amount for this unknown war. He wished distinctly to be informed, whether this £500,000 was the whole charge which the country would be called upon to pay for the Persian war. He thought that the course which had been pursued with regard to the whole affair indicated more forcibly than anything that had before occurred, the servile condition of the House of Commons.

THE CHANCELLOR OF THE EXCHEQUER said, that he did not ask the House now to agree to any Vote. He had merely presented the Estimate, and had moved that it be referred to the Committee of Supply, which was the proper place for the consideration of the Estimate. When the Government asked the Committee to agree to a Vote upon the subject, they would give a full statement of the case, which would involve, among other things, an answer to the question of the hon. Gentleman who had just sat down.

MR. BUCHANAN rose, and was about to address the House, when—

SIR JOHN PAKINGTON rose to order. Wednesdays were, by the rules of the House, devoted to the Orders of the Day, and the right hon. Gentleman the Chancellor of the Exchequer, no doubt, not anticipating any discussion, had interfered with the regular Orders of the Day by making a Motion upon a most important subject, which was extremely likely to lead to a discussion, that Motion, moreover, being made without the slightest notice whatever, without being placed on the business paper, and when no one had the least reason to suppose that the question of the expenses of the war with Persia would be likely to come on. He begged to call the attention of the Speaker to the circumstances under which this Motion had been made, and he submitted that the proceeding had been in error *ab initio.*

Under all the circumstances, he should move that the debate be adjourned.

Motion made, and Question proposed, "That the debate be now adjourned."

Mr. LABOUCHERE said, that his right hon. Friend the Chancellor of the Exchequer had taken no course in this matter which was not perfectly usual and regular. On presenting the Estimates he had made a merely formal Motion, which it was neither customary nor necessary to give any notice of. It was a Motion which never gave rise to any debate, and the only thing which had been unusual in the present case was, that on a merely formal Motion being made, a debate had arisen.

Mr. BUCHANAN again rose, and was about to speak, but—

Sir JAMES GRAHAM rose to speak to the point of order. The opinion of Mr. Speaker had been asked on it by the right hon. Baronet the Member for Droitwich, and he (Sir J. Graham) was about to suggest what he thought would have made this proceeding perfectly regular on a Wednesday. He agreed that it was unusual, on presenting an Estimate and moving that it be referred to the Committee of Supply, that a debate should arise, and he suggested that if the Estimate had been presented at any period after a quarter to six o'clock, the proceeding would have been perfectly regular. No debate, according to the rules of the House, could then have arisen. The Motion would have been taken as a Motion of course, and the irregularity into which they had now fallen would have been avoided. But certainly it was open, he imagined, to any Member to raise a debate on the Motion to refer so large an Estimate of expenditure to the Committee of Supply, presented under circumstances so unusual as those on which comment had been made by the hon. and learned Member for Sheffield. He did not think, therefore, that the Government could be surprised if a debate should arise under such circumstances, and it appeared to him to be almost challenging discussion to present the Estimate at a time when it was open to debate. Under the present circumstances, he thought that the proper course would be to agree to the Motion of the right hon. Member for Droitwich, in order that the House might proceed with the Orders of the Day.

Sir GEORGE GREY said, that his right hon. Friend who had just sat down had implied that the course which had been taken by the Chancellor of the Exchequer was unusual. Now he (Sir G. Grey) believed it to be the universal practice of every Chancellor of the Exchequer, before the House proceeded to the ordinary business of the day, to present the Estimates which were intended to be considered afterwards in the Committee of Supply. The time for doing that was not, he contended, a late hour of the evening, or just before the adjournment of the House; but the period selected was always before the House proceeded to the proper business of the day. They had now been discussing for two hours a private Bill, which took precedence of all other business, and immediately that discussion ended, his right hon. Friend presented the Estimates. He believed that the course which had been taken was perfectly in accordance with precedent, both with respect to presenting the Estimates and moving that they be referred to the Committee of Supply, because, unless they were so referred, the Committee could take no cognizance of them. [Sir J. Graham: On a Wednesday?] Yes; on any day. During the twenty-five years that he had been in Parliament, he never remembered a discussion taking place upon the presentation of an Estimate, and upon the making of the necessary Motion to give the Committee of Supply cognizance of the Estimate.

The CHANCELLOR of the EXCHEQUER said, that he had intended to present these Estimates on the previous evening, and that he had brought them down to the House for that purpose at the usual time, intending to lay them on the table before the business commenced. He mentioned his intention at the time to Mr. Speaker, and went down to the bar, expecting that he should be called. Mr. Speaker, however, did not see him, and therefore his name was not called, otherwise the Estimates would have been presented then. He might add, that he was not aware of any reason why the Estimates should not be presented on a Wednesday as well as on any other day.

Mr. SPEAKER said, that the right hon. Gentleman the Chancellor of the Exchequer intimated his intention to present these Estimates yesterday, but not seeing him at the bar of the House before the commencement of public business yesterday, he omitted to call the name of the right hon. Gentleman. He believed it had been the universal practice, when a Minister appeared at the bar with an Estimate, that on his name being called by the Speaker he should be permitted to present the Estimate to the House; and the Motion that the Estimate be referred to a Committee of Supply had been considered as a Motion of course. Therefore he himself should have considered that what was new, if not irregular, on the present occasion rather was that a Motion so generally received as a Motion of course should have been turned into a Motion raising a debate. It was for the House to decide whether there was anything in this proceeding which interfered with the regular course of the business; but nothing struck him as being irregular in the Motion made by the Chancellor of the Exchequer.

MR. BUCHANAN proceeded, amid cries of "Order!" to call attention to the commercial inconvenience arising from constant alterations of the dates when certain duties on tea and sugar were to take effect—

SIR FRANCIS BARING rose to order. Mr. Speaker had already pronounced his opinion on one point of order, but a discussion on a notice of Motion given by the Chancellor of the Exchequer with respect to the tea and sugar duties would be even more irregular than the conversation which had just taken place.

SIR GEORGE GREY trusted that the Motion for the adjournment of the debate would not now be pressed.

SIR JAMES GRAHAM thought the Motion for the adjournment might be withdrawn, after what had fallen from Mr. Speaker and the Chancellor of the Exchequer.

Motion, by leave, *withdrawn.*

Main Question put, and *agreed to.*

INDUSTRIAL SCHOOLS BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clauses 1 to 8 *agreed to,* with Amendments.

On Clause 9,

MR. BOWYER proposed to add the following proviso to the clause:—

"Provided, however, that the regulations of every such industrial school shall provide that a book shall be kept by the managers, in which the religious denomination or church to which every child admitted to such school, or the parents or the father of such child shall belong shall be entered; and that every minister or clergyman officiating in any chapel or other place of worship duly licensed according to law in the parish within which such industrial school shall be situated shall have free access to such book, and also to every child who shall appear by such book to belong to the religious denomination or church of which such minister is a teacher."

MR. ADDERLEY thought that he had altered the Bill so as to make it satisfactory to every Roman Catholic, not only in the House, but out of the House. He felt convinced that the clause proposed would be destructive of these institutions throughout the country. The best way to avoid the risk of proselytism was to allow free scope to persons of all denominations to provide schools for themselves.

MR. GREGORY said, that the question now was not one of proselytism, but whether the ministers of religion to which the child belonged should have access to the school, in order to give him religious instruction. At the same time, he admitted that the proviso was liable to some objection.

MR. NEWDEGATE said that the words allowed not only inspection but interference.

SIR GEORGE GREY said, that the manager of the schools might not be willing to receive the child coupled with such a condition.

MR. BOWYER admitted the force of the objection of the right hon. Gentleman.

Motion *withdrawn.*

Clause *agreed to,* as were also Clauses 10, 11, and 12.

Clause 13 (Child not to be detained when fifteen years old).

MR. BARROW proposed, as an Amendment, to leave out the word "fifteen," and to insert instead the word "twelve." He thought that if children were kept at the schools beyond the age of twelve years, they would not be rendered active and muscular and fit to earn their livelihood in future life. It was important for the physical development of the children that they should be released from school at twelve years of age, when the education for labour ought to begin; and if these children were kept at school after that age it would be for the purpose of giving them an intellectual and scientific education. Thus they would, by the aid of the State, obtain an unfair advantage over the honest children of industrious parents.

Amendment proposed, in page 4, line 23, to leave out the word "fifteen," and insert the word "twelve," instead thereof.

SIR JOHN PAKINGTON trusted the Committee would adhere to the clause as it stood, for it was most desirable that the power of detaining the children in the schools beyond the age of twelve years should exist. This power might not be always acted upon, but it ought to be whenever their detention was essential to their reformation. There were at least two Acts on the Statute-book defining the age up to which childhood should be considered to extend—namely, the Poor-law Act and the Juvenile Offenders Act, and in both the period of sixteen years was taken as the age to which childhood extended.

SIR GEORGE GREY thought that this Amendment ought to have been proposed at an earlier stage. The second clause, which had been adopted, provided that the word "child" should include any boy or girl above the age of five and under the age of fourteen, and the Amendment now proposed would be altogether inconsistent with that definition of the word "child."

MR. LIDDELL supported the clause. It should be remembered that those would be industrial schools, and that children would receive in them an industrial training.

VISCOUNT GODERICH had always feared that the effect of a measure of this nature would be to encourage idle and worthless parents to send their children into the streets to commit acts of vagrancy, in order that they might obtain admission to industrial schools; but he thought that many of the benefits which would result from the present Bill would counterbalance what he regarded as its defects. He would, however, vote for the Amendment of the hon. Member for South Nottinghamshire (Mr. Barrow), because he could not doubt that in most districts of this country work could be found for children twelve years of age. He considered, therefore, that children ought not to be forcibly detained in these industrial schools up to the age of fifteen years.

SIR WILLIAM HEATHCOTE said, the adoption of the Amendment would entirely change the object of the Bill, by restricting its application to children below the age of twelve years.

VISCOUNT EBRINGTON considered that some discretion should be left to the managers of industrial schools with regard to the disposal of the children committed to their charge. He did not think it advisable that the inmates of such schools should be educated in any trades or professions which would enable them to compete at an advantage with the children of honest and industrious labourers, who were unable to educate their children for the highly-skilled and better paid description of labour. Moreover, if they were taught trades above those which were paid at the lowest rates, it would be an inducement to parents to watch over their children with less care, if they were placed in a better position if they went astray than if they had not gone astray. He would apply the same principle as was applied to the education of pauper children.

MR. AKROYD said, the Bill provided for children who had no previous education at all. It was founded not on philanthropic principles, but on the instinct of self-preservation of society. If those children were to be reformed, they should get some industrial training.

MR. BARROW said, that in his opinion, if a boy near twelve was brought before a magistrate, some other place than an industrial school was better fitted for him.

MR. ADDERLEY said, he thought it would be a most cruel proceeding to declare that at the age of twelve years the unfortunate children who were the inmates of these industrial schools should be driven from the only homes where they could seek refuge. He approved the provision of the second clause, that children might be committed to these schools up to the age of fourteen years; for, although they could not be compulsorily detained beyond the age of fifteen, those children who entered the schools at the age of fourteen would receive a year's training, which it was to be hoped would prove advantageous to them in after life. The way to guard against the abuse of parents neglecting their children that they might get into these schools was, to make the parents pay for their children, as much as they would cost at home.

MR. BARROW said, that on the bringing up of the Report he would be prepared to move that the word "twelve" should be substituted for the word "fourteen" in the second clause. The object of his Amendment was, not that children should be turned out of the schools at twelve years, but that they should not be detained against their own wills and their parents, after that age.

MR. RIDLEY said, under the Bill a child might be separated from its parents for eight years; he thought that rather too long a period, and would therefore support the Amendment.

MR. SPOONER said, he saw no reason why the Committee should adopt the Amendment. As the clause stood, it would merely provide that children who had no one to take care of them might be detained in the school up to the age of fifteen. It was surely not desirable that a child who had nobody whatever to look after him should necessarily be discharged from one of those establishments immediately on his attaining his twelfth year.

Mr. BOWYER remarked, these institutions were called industrial schools, but they had as yet got no information as to what branches of industry were to be taught in them; the education ought to be such as would fit the children for such employments as were most general in the districts from which they came. A child in the mining districts, for instance, ought to be taught mining in these schools—if they taught him shoe-making he would not be able to earn his living as a miner. The Bill involved a principle entirely new to the law of England, and it drew no distinction between a child who had committed one slight offence and the habitual vagrant, and shut them up in a prison-house for years.

Mr. E. BALL said, that the hon. and learned Member spoke as if they were going to take children whose parents were able to keep them, and dragging them away from the fond care and comfort of home to shut them up in what he called a prison-house. The reverse was the fact, they were going to take children that were lost, and were living in a state of vagabondage. It was not a punishment, but an act of mercy.

Mr. BAGWELL said, the managers of industrial schools were placed to a certain extent *in loco parentis*, and therefore considerable confidence should be reposed in them. He did not think they ought to be required to turn children out of the schools when they arrived at the age of twelve years, and he hoped, therefore, the Committee would agree to the clause as it stood.

Mr. PAGET opposed the Amendment, observing that, as the industrial schools would be to a great extent dependent upon subscriptions, it was not probable that children would be detained in them for a longer time than was thought absolutely necessary. It was true that when children arrived at the age of twelve years a certain value attached to their labour; and he might observe that he had found employment for several boys of that age among the farmers of his district three days a-week, the alternate days being spent by them at school. This plan had been attended with very beneficial effects in the case of boys of somewhat indifferent character.

Mr. ADAMS preferred the period of fifteen years, provided by the clause, to the period of twelve years, proposed by the Amendment. Considerable experience in the administration of criminal justice satisfied him that the most dangerous period in the lives of young persons was that between the ages of twelve and fifteen, when they were so near the adult period of life that they became the companions of older and frequently of ill-disposed persons. He thought, therefore, it was most unadvisable to facilitate the discharge of children from these schools until they were fifteen years of age.

Question put, "That the word 'fifteen' stand part of the Clause."

The Committee *divided:*—Ayes 169; Noes 59: Majority 110.

Clause *agreed to.*

Clause 14, (On application of manager, the parent may be summoned and ordered to pay according to his ability).

Mr. BARROW proposed an Amendment limiting the period during which the parents should be called upon to pay for their children to twelve years instead of fifteen. In many cases the child would be able at that age to contribute to the support of the family, and it was bad enough to deprive the parents of such contributions without obliging them to pay for its support. In many cases the parents were not to blame for the child's misconduct, and they ought not to be subject to fine and imprisonment unless they could in some way be connected with that misconduct.

Amendment proposed, in page 4, line 32, to leave out the word "fifteen" and insert the word "twelve" instead thereof.

Mr. NEWDEGATE reminded the hon. Member (Mr. Barrow) that, by clauses 11 and 12, the magistrates—if satisfied that suitable employment could be found for a child—had the power to order his discharge from an industrial school before the expiration of the time for which he had been sent there.

Mr. KENDALL said, he apprehended the moment this clause was passed into a law, there would be a number of kind-hearted persons who would seek to fix no small part of our social evils entirely on those runaway boys, who would consequently be hunted from one end of England to the other; and, in that crusade, they would doubtless have the sympathy and assistance of the police. He submitted that if, under this Bill, they chose to take a man's child into one of these industrial schools, and to mulct his earnings—at a time, it might be, when he was already sufficiently pinched—to the extent of 3*s.* a week for that child's maintenance and education, such a man would become soured, and should such compulsion become at all common, it would give rise to a good deal of unpleasant feeling among the industrious classes.

Mr. WALTER said, he thought the Amendment proposed by his hon. Friend the Member for South Nottinghamshire (Mr. Barrow) was a reasonable one, and, although he voted against his hon. Friend on the last division, he should support him on the present occasion. After the education and training which a child would receive in any of these industrial schools, he should be able to earn something by the time he was twelve years of age; and he, therefore, submitted that it would be unreasonable to call on the parent of such a child to contribute to his maintenance after he had attained that age. The only difficulty likely to arise from the proposition of his hon. Friend would be in cases where a child was not committed to an industrial school until after he had attained the age of twelve. Such instances, however, would probably not be numerous in comparison with the ordinary run of cases. The great majority of children sent to those institutions would, no doubt, be committed long before they had attained that age, while some would go there at a very tender age; and therefore he did not think that any practical hardship would arise to the managers of those schools by exonerating a parent from contributing to the maintenance and education of his child after it had attained the age of twelve years.

Mr. A. MILLS said, he thought this was a vital clause in the Bill, and that the proposed modification of it was not desirable. It did not appear to him that there was any good ground for apprehending hardship to parents from the operation of the clause as it stood. He contended that the refusal of parents to contribute to the maintenance of their children in these schools, when they had the ability to pay, was a difficulty which the Legislature was bound to meet. There were instances within his own experience, of parents in the receipt of 30*s.* a week, who scornfully refused to contribute a single sixpence towards keeping their children at school. He should, therefore, support the clause in its integrity.

Mr. BRISCOE supported the Amendment. He reminded the Committee that a boy, at the age of fifteen, might receive a commission in the army, and contended that a person ceased to be a child long before that age, and ought to be in a position, when there was a necessity for it, to earn something towards his own livelihood, and to assist his parents.

Mr. MILES said, that the criminal law had declared, in repeated instances, that childhood extended up to the age of sixteen; and, that being the case, it would be absurd to declare, as would be done by the adoption of this Amendment, that a boy of thirteen was capable of maintaining himself. He did not consider that any injury would be inflicted upon the parents of such children when they repeatedly saw, in the reports of cases before the police magistrates, parents earning from 40*s.* to 50*s.* a week refusing to contribute a farthing towards the maintenance of their children. He thought that, considering the law already recognised the age of childhood as extending to sixteen, that they should not emancipate the parents from their responsibility of supporting and providing for their children under that age.

Mr. MASSEY said, this question had been substantially decided by the vote at which the Committee had just arrived, and it would be manifestly inconsistent, after having determined that no child should be detained in any industrial school beyond the age of fifteen, to say that the liability of his parent to contribute to his maintenance in such school should cease after he had attained the age of twelve. Why such liability should cease at that age was to him (Mr. Massey) perfectly incomprehensible. The principle of legislation in this matter was, that sufficient time should be allowed to operate upon a child in an institution of this kind, and those best acquainted with the subject urged that two years was the shortest possible period necessary for that purpose. He hoped the House would not stultify itself by agreeing to the proposal.

Mr. PEASE said, he thought it a great

hardship, not only on the children themselves but on the parents and other children, that the children in these industrial schools should be detained in them for a period of three years after they had attained an age when they might be expected to assist in the maintenance of themselves and the family remaining at home. He begged to remind the Committee that cases might happen in which not one only, but three or four members of a family might be placed in institutions of this kind; and, he asked, who then would be left to assist in supporting the rest of the family at home? He had many and strong objections to this Bill, but he was opposed to this clause in particular, and would therefore support the Amendment before the Committee.

Question put, "That the word 'fifteen' stand part of the clause."

The Committee *divided*:—Ayes 161; Noes 78: Majority 83.

LORD EDWARD HOWARD took exception to words in the clause by which, over and above the 3*s.* a week which a parent was to contribute to the maintenance of his child in an industrial school, he was to be charged with the payment of other "expenses incurred respecting the child, and also the expenses of conveying the child to school." He objected to that part of the clause, because the expenses mentioned in it were unlimited, and because the payment of them would press heavily upon the poorer classes.

MR. ADDERLEY assented to the omission of the words objected to by the noble Lord, and the words were expunged accordingly.

Clause, as amended, ordered to stand part of the Bill; clauses 15, 16, and 17 agreed to.

Clause 18, Penalty not exceeding £5 on persons who shall induce children to abscond or remain away from school.

MR. BRISCOE complained of the provision as being unnecessarily severe. A single justice ought not to be empowered to inflict so heavy a penalty.

MR. ADAMS thought magistrates might fairly be vested with a discretion on such a point.

MR. BARROW condemned the wording of the clause as singularly vague and loose, and as worse than the wildest of judge-made law.

MR. ADDERLEY said, it had been drawn up by Sidney Turner, a very high authority on such questions.

MR. BOWYER said, that three hours had already been occupied in Committee on this Bill, and it was now time to adjourn the discussion. There were various other Bills on the paper, the second of which was the Tenant Right Bill; and as many hon. Members were anxious to hear the statements which they expected would be made on that measure, he begged to move that the Chairman now report progress.

MR. ADDERLEY appealed to the House against this Motion as being an indirect attempt to defeat a measure of which the hon. and learned Gentleman had not the courage openly to move the rejection.

MR. GREGORY hoped his hon. and learned Friend would not persist in his intention. As regarded the Irish Tenant Right Bill, he believed that the proposer of it intended to make a short statement preparatory to withdrawing it.

Motion for reporting progress *withdrawn.*

MR. COX thought it very hard that poor parents should be liable to a fine of £5 merely for inducing their child to remain at home, and moved that the maximum penalty be 40*s.*

Ultimately this Amendment was withdrawn; and Mr. ADDERLEY subsequently undertook to embody it in the Bill before the bringing up of the Report.

Clause *agreed to,* as were the remaining clauses.

MR. ADDERLEY then proposed the insertion of the following clause, in lieu of clause 5, (children taken into custody for vagrancy may be sent to school while inquiries are made.)

"When any child is taken into custody on a charge of vagrancy, under any local or general Act, the justices, on receiving satisfactory proof in support of such charge, may, if the parent of the child cannot at once be found, and provided there be any certified industrial school, the managers of which are willing to receive him, order the child to be sent to such industrial school for any period not exceeding one week, and shall direct due inquiries to be made, and notice to be given to the parent or guardian of the child, if any can be found, or to the persons with whom the child is or was last known to have been residing, the circumstances under which the child has been taken into custody, and that the matter will be inquired into at the time and place mentioned in the notice."

MR. PALK thought this clause was a great improvement on the former one, and felt greatly indebted to the hon. Member for his efforts to conciliate the opponents of the Bill.

Clause *agreed to.*

Mr. ADDERLEY moved the substitution of the following for Clause 7—

"The justices may forthwith, if the parent be found, or, otherwise, at the time and place mentioned in the aforesaid notice, make full inquiry into the matter; and may, if they think fit, discharge the child altogether, or deliver him up to his parents, on their giving an assurance in writing that they will be responsible for the good behaviour of the child, for any period not exceeding twelve months; and, in default of such assurance being given, may, by writing under their hands and seals, order the child to be detained for such period as they think necessary for his education in any certified industrial school, the managers of which are willing to take charge of him; provided, however, if within the county where the child was taken into custody, or any adjoining county, there shall be any certified industrial school conducted on the principles of the religious persuasion to which the parent of the child in the opinion of the justices shall belong, and the managers of which school shall be willing to receive him, such child shall be sent to such last mentioned school and not to any other. If the child, after such assurance as aforesaid being given, be brought up again on a similar charge, within the period for which the parent has become responsible for his good behaviour, the justices may inflict a fine upon the parent, not exceeding forty shillings, should it be proved, to the satisfaction of the justices, that the last mentioned act of vagrancy has taken place through the neglect of the parent."

This clause, he said, he proposed in order to meet the objection of the right hon. Gentleman the Member for Oxfordshire. That right hon. Gentleman objected to the security which was previously required from parents; all that was now provided for was the requiring a written form of assurance from parents that they would endeavour to secure the good behaviour of the child for twelve months, and if, through their negligence, he was again brought back, they were to be subject to a penalty of 40*s*.

Mr. BARROW thought that *primâ facie* evidence of vagrancy might be sufficient in the first instance to justify the remand of a child; but before he was committed to custody for a long period a formal conviction would be indispensable.

Mr. ADDERLEY deemed it one of the principal merits of the clause that it avoided the necessity for a conviction, and only required that "satisfactory proof of the charge" should be given to the justices. At the suggestion of the Home Secretary he had adopted the words of an analogous provision in the Summary Jurisdiction Act.

Mr. BOWYER objected on constitutional grounds to the wording of the clause. They ought not to call upon a parent to enter into any species of recognizance for the good conduct of his child until it had been legally convicted of some offence. Unless they insisted on such a formality they would have no safeguard against an arbitrary exercise of power by magistrates. The hon. and learned Gentleman then moved the insertion of words limiting the operation of the clause to cases in which there had been a previous conviction.

Mr. BARROW objected to the infliction of a sentence of confinement upon the child, together with a liability for its maintenance on the part of the parent, until a formal adjudication, capable of being appealed against, had taken place.

Mr. MASSEY concurred with the hon. and learned Member (Mr. Bowyer) that a conviction was a necessary preliminary to calling on the parent to give an assurance for the good behaviour of his child. Without an adjudication by the magistrates at this stage of the case the whole proceedings would be irregular and anomalous.

Mr. PALK reminded the Committee that the Bill was not a penal one, but was intended to provide for the education and care of destitute and vagrant children. The Amendment of the hon. and learned Member for Dundalk would alter the whole scope and tenour of the measure.

Mr. COBBETT, while respecting the benevolent object of its author, could not help viewing the Bill as a very imprudent one. It was open to very grave objections, which only grew upon them as they proceeded with its discussion. He, therefore, begged to give the hon. Member for Staffordshire full notice that on the order for the third reading he meant to move the rejection of the measure. He would suggest that the Bill, after passing through Committee, should be reprinted, and an opportunity given for full consideration.

Mr. MILES quite agreed that before the parents were called upon for recognizances there should be an adjudication.

Mr. RIDLEY thought that the penal element had been admitted into the Bill to such an extent that its nature had been altered and rendered very objectionable.

Mr. STAPLETON said, the Bill created an entirely new offence. Parents guilty of no offence might be ordered to make a money payment, and on non-payment be sent to gaol as criminals. Such a provision was without parallel in the whole statute law of England. It might be a man's misfortune to have a truant child. It was not the parent but the child who was to be convicted, and upon that the parent was to be punished. He objected to this multiplication of offences.

Mr. MASSEY said, the offence of vagrancy was known to the law, and punishable by law, but before the parent could be held to recognizances the child must be convicted.

Mr. ADDERLEY objected to the general principle of the Bill being discussed in Committee.

Mr. COX, on the part of those who objected to the principle of the Bill, said he desired to alter the Bill as far as possible in accordance with their views.

Mr. ADDERLEY: I assent to the Amendment.

Amendment *agreed to.*

Mr. COX said, his objection went further. The parents were to give recognizances for the good behaviour of the child. That was unreasonable. The Bill, in truth, was a Bill of pains and penalties. It was a Bill to extend the period of imprisonment for vagrancy. The clause allowed imprisonment for such period as the justice thought necessary. He should move that it be added "not exceeding six months."

Mr. ADDERLEY assented to the Amendment.

Mr. MILES objected to the Amendment. It really involved this—that there should be no detention in a reformatory beyond six months.

Mr. MASSEY said, the hon. Member appeared to misunderstand the object of the Bill, which was simply to substitute detention in an industrial establishment for detention in a gaol. The Amendment, if carried, would frustrate the intentions of the Bill.

Amendment *negatived.*

Clause, as amended, *agreed to.*

Mr. ADDERLEY proposed the following new clause, which was *agreed to*—

"If the child, after such assurance as aforesaid being given, be brought up again on a similar charge within the period for which the parent has become responsible for his good behaviour, the justices may inflict a fine upon the parent not exceeding 40*s.*, should it be proved to the satisfaction of the justices that the last-mentioned act of vagrancy has taken place through the neglect of the parent."

Viscount GODERICH proposed the following clause, which was also *agreed to*—

"The time during which any child shall be lodged in any certified industrial school under this Act shall, for all the purposes of the Act of the 9th and 10th years of the reign of Her present Majesty, chap. 66, and of every Act incorporated therewith, be excluded in the computation of the time therein mentioned."

Mr. GREGORY moved, after Clause 8, the insertion of the following clause—

"1. And be it enacted, That no order of the manager or managers of such Industrial Schools, nor any bye-law, shall compel any inmate of any such school to attend or be present at any religious service which may be celebrated in a mode contrary to the religious principles of such inmate, nor shall authorize the education of any child in such school in any religious creed other than that professed by the parents or surviving parent of such child.

"2. Provided also, that it shall be lawful for any officiating minister of the religious persuasion of any inmate of such Industrial School, officiating within the parish in which such Industrial School shall be situated, at certain fixed hours of the day, which shall be fixed by the managers for the purpose, to visit such schools for the purpose of affording religious assistance to such inmate, and also for the purpose of instructing such inmate in the principles of his religion."

The clause, the hon. Member said, was copied from the new Poor Law Act. He had altered the clause in phraseology, requiring the managers of the schools to keep a book describing the religious persuasion of the child or his parents, and to permit teachers of that persuasion to have access to these schools.

Mr. RIDLEY complained that he had been unable to hear the clause read. From what he gathered of its import he considered it to be highly objectionable and should therefore oppose it.

Mr. HENLEY observed that many of the children to whom this Bill would apply had no religion at all, and was it intended that they should have no religious teaching?

Mr. MASSEY thought that if a child stated he belonged to no particular religion he would be put down as a member of the Established Church. He thought the clause was one which required more consideration than time would allow upon this occasion, and would suggest that it should be withdrawn for the present and be brought up on the Report.

Mr. GREGORY expressed his willingness to accede to that recommendation.

Clause *withdrawn.*

House resumed.

Committee report progress; to sit again *To-morrow.*

OXFORD CITY ELECTION—REPORT.

House informed, that the Committee had determined—

That Charles Neate, esquire, is not duly elected a Citizen to serve in this present Parliament for the City of Oxford.

That the last Election for the said City, so far as regards the Return of the said Charles Neate, esquire, is a void Election.

And the said Determinations were ordered to be entered in the Journals of this House.

House further informed, that the Committee had agreed to the following Resolutions—

That Charles Neate, esquire, was, by his Agents, guilty of bribery at the last Election for the City of Oxford.

That it was proved before the Committee, that during the said Election 198 persons were employed by the Committee of the said Charles Neate, esquire, as poll-clerks and messengers, 152 of whom voted for the said Charles Neate, esquire, and who subsequently received from the Agents of the said Charles Neate, esquire, payment in sums varying from £1 to 2*s.* 6*d.*

That these sums were paid under the pretence of remuneration for services as messengers and runners during the Election, and although it was not proved before the Committee that these payments to the voters were the primary motive in deciding their votes, yet it appeared to the Committee that, in many of the cases, no adequate services or work were in reality performed.

That it was proved to the Committee that the aforesaid acts of bribery were committed without the knowledge and consent of the said Charles Neate, esquire.

That it was proved to the Committee that there was treating to some extent at the last Election for the said City; but it was not proved to have taken place by the order or authority of the said Charles Neate, esquire, or his Agents.

That the Committee do not think it right to recommend that the issue of a new Writ for the said City of Oxford shall be suspended.

Report to lie on the Table.

Minutes of Evidence taken before the Committee to be laid before this House.

MAIDSTONE ELECTION—REPORT.

House informed, that the Committee had determined—

That Alexander James Beresford Beresford Hope, esquire, and Captain Edward Scott, are duly elected Burgesses to serve in this present Parliament for the Borough of Maidstone.

And the said determination was ordered to be entered in the Journals of this House.

House adjourned at two minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, July 9, 1857.

MINUTES.] *Took the Oaths.*—Several Lords.
PUBLIC BILLS.—1ª Prisoners Removal; Turnpike Trusts Abolition (Ireland).
2ª Crowded Dwellings Prevention; Transfer of Real Estate.

SALE OF OBSCENE BOOKS, &c., PREVENTION BILL.

AMENDMENT REPORTED.

LORD CAMPBELL said, that, in bringing up the Report, he hoped their Lordships would allow him to make a few observations on this subject. Since he last addressed them he had received information of a most appalling nature, with regard to the sale of these publications; but many of the communications were such that, for decency sake, he would not dwell upon them. But he held in his hand a volume which would give their Lordships a notion of what was going forward. It was a translation of one of the novels of Dumas the younger, on which the opera of *La Traviata* was founded, and it was called *The Lady of the Camellias.* It gave a description of the white camellia and the red camellia, in a manner which trenched upon modesty, and which he could not state. He did not wish to create a category of offences in which this book might be included, although it certainly was of a polluting character. It was only from the force of public opinion and of an improved taste that the circulation of such works could be put a stop to; but he was glad to inform their Lordships that there was a Society for the Encouragement of Pure Literature, of which his noble Friend the Duke of Argyll was president. He was shocked to think that there should be so much circulation for works like the one in his hand—*The Lady of the Camellias.* In this work the lady described her red camellias and her white camellias; but he would not shock their Lordships by going further. He had heard on good authority that the book was sold at all the railway stations. In it were thirty-two pages of book advertisements, embracing about 100 publications, most of which were of a very abominable description indeed. He referred to a particular portion of the novel in question as a specimen of the mode in which it overstepped the bounds of modesty and propriety. His Lordship then referred to another work of a character still worse than the former. He would not mention the name of this book, as that, no doubt, would be highly gratifying to the publisher, and would promote its sale. But whenever the work had been brought before a jury, which had been done on several occasions, there had been no hesitation felt by the juries in declaring that its obscenity was such as ought to be punished. He believed there were as many as a hundred of these filthy publications for sale in Holywell Street, many of which were of a most disgusting character. In the advertisement of one of these works it was stated to be "illustrated with numerous coloured engravings" and added, "This work has had many imitators, but no rivals. It may be said that for beauty of description it stands without a rival." Formerly this work was sold at the price of one guinea, but it was now published at 3*s*. 6*d*. In Holywell Street there were many shops of the same description as that which published the books of which he had been speaking. He thought that the issue of such publications should be made a misdemeanour. What was the remedy for all this, and how was the evidence to be procured? He suggested that there should be a power given, on complaint being made, to institute a search in places supposed to be depôts for these publications, and if found they should be carried away and destroyed. A more stringent measure might have been introduced, but he would not ask their Lordships to do more than pass this Bill with its single operative clause, which was to allow, on complaint being made by a party who believed that works of this nature were kept for the purpose of sale, a warrant to be granted for a constable to go with such assistance as might be necessary and accompanied by the party making the complaint, and if these indecent publications were found that they might be carried away and burnt or otherwise destroyed. He thought it should be left to the Judge to say what was and what was not an obscene publication.

LORD WENSLEYDALE entirely agreed with his noble and learned Friend in the Amendment proposed, but he thought, in the absence of his noble and learned Friend (Lord Lyndhurst), that further discussion of the Bill should be postponed until Monday, when that noble and learned Lord would be in his place.

Amendment *reported* (according to order), and Bill to be read 3ª on Monday next.

COALWHIPPERS BILL.

Order for naming the Select Committee, under Standing Order No. 175 having been read,

LORD KINNAIRD moved that the order be discharged, stating at the same time that it was his intention to-morrow to move that the petition of the coalwhippers be referred to a Select Committee.

LORD RAVENSWORTH said, that since the noble Lord purposed not to proceed with his original Motion he should not object, after the decision at which the House had arrived a few evenings before, to have the petition in question referred to a Select Committee. He should, on the contrary, do everything in his power to facilitate the inquiry before that Committee, and should be prepared to show that the evils of which the noble Lord complained could be obviated by means much less objectionable than those which he had provided in his Bill.

The order was then *discharged.*

TRANSFER OF REAL ESTATE BILL.

PRESENTED. READ 1ª.

LORD BROUGHAM reminded their Lordships that last Friday he had adverted to the experience of a steward of a manor during thirty years, as showing the infinite advantage that would be derived from a cheap, easy, and expeditious mode of conveyance, accompanied, as it must be to be effectual, with a proper system of registration, and it appeared to him (Lord Brougham) that it would by no means be impossible to extend that advantage from copyhold, and to make it general for all real estate. He was sure it would be a great relief to the people that land would thereby be no longer unmarketable, and that it would be greatly increased in value. The Committee that sat to inquire into the burdens on land had reported that one of the greatest of these burdens was the great expense and difficulty, and oftentimes uncertainty, of title attending the transfer of land. He admitted that it was a difficult subject, yet, in redemption of the pledge which he had given, he had prepared a Bill to amend the law touching the conveyance of estate, and for effecting a convenient system of registration, Perhaps his noble Friend on the woolsack would think that he ought to rest satisfied with the Report of the Commission and the prospect held out by his noble and learned Friend of a Bill on the subject;

but he would adopt the course he had chosen to follow on the subject of the patent law, and would lay his Bill at once on the table with the hope that an Act on this subject might at length pass into law. The noble and learned Lord then *presented* a Bill touching the Transfer of Real Estate, and for the Registration of Titles thereof.

THE LORD CHANCELLOR said, the public and their Lordships were greatly indebted to his noble and learned Friend for introducing this Bill, upon which, as his noble Friend had not explained it in detail, he would not enter upon any observations. Even if the Bill did not become law it would, at all events, be considered before next Session in conjunction with the Bill suggested by the Commisioners, with a view to carrying these suggestions into effect.

Bill read 1ª.

House adjourned at a Quarter to Six o'Clock till to Morrow, Half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, July 9, 1857.

MINUTES.] PUBLIC BILLS.—1° Dulwich College; Public Works (Ireland); Edinburgh, Canongate, and Montrose Annuity Tax Abolition.
2° Lunatics (Scotland); Court of Session (Scotland); Metropolitan Police Stations, &c.
3° Registration of Long Leases (Scotland).

REFORMATORY SCHOOLS BILL.

COMMITTEE.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. ALCOCK said that, on the second reading of this Bill there was no opportunity given of discussing the principle of it, and after a few words on that occasion the Bill passed that stage. He would take this opportunity of stating his opinion upon the provisions of the measure. His great objection to the principle of the Bill was, that it was compulsory, and he felt strongly that from the moment the House created compulsory powers, they would destroy voluntary efforts in favour of education. He was surprised the supporters of the Bill did not study the effects of a similar measure in the county of Middlesex. Three years ago an Act had been passed, enabling the magistrates of Middlesex to do that which was now sought to be effected throughout the country; but not a single step had been taken to put that Act into operation. The reason was, that the magistrates could not agree as to what should be done, and no persons were as yet agreed as to what should be done, with their criminals. It was evident that this question was in a state of transition as was apparent from what took place on the discussion of the matter in the other House. Lord Brougham, Lord Carnarvon, and others, who discussed the question a few days ago in the other House, admitted the difficulties of the subject; and, therefore, they very wisely came to no decision with regard to it. The plan proposed would impose a great burden on the country. In the case of the county of Surrey, what would be the effect on the rates? The number of criminals in the year would be about 600, or 1,800 in three years, not calculating the recommittals. The average expense of maintaining the children in the establishment at Redhill, and for repairs was last year £27 6*s.* 5*d.* per head, and he might therefore fairly assume, that the average expense of maintaining the juvenile criminals now detained in the prisons of the county of Surrey would be £25 per head at the least, or £45,000 on the whole, which was as much as the whole of the county rates of Surrey. Thus, by this single Bill, they ran the risk of doubling the rates in the county of Surrey. Then the building would cost at least £100,000 for the whole number of criminals, in addition to the £45,000 a year, which would be a permanent charge on the county. If such was the expense in Surrey, what would be the expense for the whole country? Now, the population of Surrey was 700,000, and of the United Kingdom 28,000,000. So that Surrey being one-fortieth part of the United Kingdom, the entire cost for the maintenance of all the reformatory schools throughout the kingdom—supposing the measure were eventually extended to Ireland—would be not less than £1,800,000 per annum. It was said that the maintenance and repairs would be paid from the Consolidated Fund. But what matter was it to the counties, whether they paid this in the shape of an indirect tax through the Chancellor of the Exchequer, or directly, by means of a county rate? In either case, the expense would have to come out of the pockets of the ratepayers? He would also ask, if the measure were good for England, why it should not also be applied to Ireland and Scotland. He believed what he stated was perfectly true, and hoped the House would pause before they passed the Bill. He now moved that the Bill be committed that day three months.

MR. HANBURY said, he would second the Motion, believing that the Bill was quite unnecessary, and therefore inexpedient. Since the passing of the Juvenile Offenders Act of 1854, thirty-six reformatories had been certified, and twenty-eight founded by voluntary efforts, with the assistance of the State, and the sum given to these institutions rose to a very large amount. In fact, the State had already given ample encouragement to private promoters to come forward and establish these schools. He further objected to the measure, that in the event of its becoming law, it would place those institutions under four different kinds of control. First, the Home Office would send an inspector to see that the money granted by the State was properly applied. Next, the Council of Education would send their inspector to see that their money was properly applied. Then the justices of the peace who had the control of the money raised by county rate, would, of course, have some voice in the matter. And when all this had taken place, he should like to know what amount of control would be left to the private promoters and supporters of these institutions. He believed that the measure would discourage all voluntary effort, and that in consequence a great blow would be inflicted on the cause of reformatory schools in this country. On the whole, he was disposed to think that, though the State should have the power of punishing criminals, their reformation had better be placed in the hands of private individuals than of public departments. He did not believe that the ragged schools would have been so well attended, if the expense was borne by the rates. He was afraid that, if the reformation of their criminals was thrown entirely on the State, these institutions would become mere off-shoots of the gaols. As regarded the county rates, he could appeal to all the country Members to justify him in asserting that they were high enough already.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR GEORGE GREY said, that he was anxious to clear the ground for discussing this Bill before the debate proceeded any further. Most of the observations of his hon. Friend (Mr. Alcock) really had no reference to the Bill on the table, but rather to the Bill of last year; and in fact, after having listened to them most attentively, he apprehended that his hon. Friend could not have read the Bill before him. The Bill of last Session had been withdrawn in deference to representations which had been made to him by the friends of reformatory schools. The present Bill was introduced instead, and was not a compulsory Bill at all. It would not compel the magistrates to impose one farthing upon the rates for these reformatories, nor would it compel the managers of them to receive aid from county or borough rates. His hon. Friend was also mistaken in the version he had given of the proceedings in the House of Lords in reference to Lord Carnarvon's Bill. That Bill was opposed by his noble Friend Lord Granville, and its consideration was only adjourned at the instance of Lord Brougham, and other Members of that House, who expressed themselves favourable to its provisions, because they knew that the present Bill was to be discussed here, and would, in all probability, go up to them in a few days. If, then, his hon. Friend carried his Amendment, the result would be to defeat the intentions of those noble Lords who pressed the adjournment of Lord Carnarvon's Bill, in order to wait until this Bill came before them. The observations which his hon. Friend had made, proved that he had not much faith in the discretion of his brother magistrates for the county of Surrey. The alarm also, which he expressed respecting the matter of expense was, in his opinion, entirely unfounded. The magistrates were already intrusted with very extensive powers with regard to gaols and lunatic asylums, and there was no reason for supposing that they would not exercise the powers to be given to them by this Bill as discreetly as they exercised their present powers. The object was to have less criminals in the country in future, and when it was said that the Bill was not necessary, he had only to say that there were several districts which had no institutions for the reformation of young criminals. He had received earnest representations from populous districts, requesting him to provide for the extension of these institutions. And he thought that no vain fear of interfering with voluntary efforts should prevent them from doing so. At the suggestion of the right hon. Member for Oxfordshire (Mr. Henley) and with the view of rendering it unnecessary in all cases to establish separate institutions for every county or borough, he had given notice of a clause for enabling the magistrates of a county or borough to make arrangements with any reformatory institution to receive from their county or borough a certain number of children to be agreed on in consideration of periodical payments. Thus, the necessity of entailing a large expense on the ratepayers for the establishment of separate institutions would be avoided. As the Bill had been read a second time, and the morning sitting was limited, he hoped the House would allow it to go into Committee, when his hon. Friends would have full opportunity of discussing and considering the clauses one by one.

Mr. BRISCOE felt great regret in opposing any measure brought in by the right hon. Baronet the Home Secretary, but as he had for many years of his life paid great attention to this subject, he felt bound to oppose this Bill, on the ground that it would throw a heavy burden on the ratepayers of counties who were already sufficiently taxed. He believed that a compulsory rate would destroy the efforts now made in support of reformatory schools, and that these schools would never be so efficient when under the charge of the State as when conducted by those whose hearts were enlisted in the cause. The best friends of these schools remonstrated against the Bill—[Sir G. Grey: The last Bill.] No doubt the former Bill was of a more objectionable character, but this was not a good Bill. He had attended a great many meetings in West Surrey, by all of which he was requested to oppose this Bill. There were fifty-five certified reformatory schools in existence, thirty-five in England and twenty in Scotland. He believed the result of the Bill would be to destroy the voluntary efforts of individuals. The Government already contributed 7*s.* per head towards the support of these schools, and had acted with great wisdom in so doing. That ought to be nearly enough in itself to support these schools. If they went on in this way to burden the counties, the country would be soon saddled with a new national debt. He believed these schools could be properly conducted only by those who had their hearts in the business, and not by magistrates or the representatives of magistrates, and that if the Bill passed, the schools would be converted into juvenile prisons.

Sir EDWARD KERRISON said, he should support the Bill. A system of reformation should, in his opinion, form part of the treatment of juvenile criminals, under the guidance of persons who felt an interest in the matter. The time had arrived, indeed, when the reformatory system should be made of general application throughout the country. It should not, however, be left entirely in the discretion of the managers of reformatory schools to receive or reject children, but it should be in the power of any chairman of quarter sessions, or any Judge, without reference to the managers, to send boys committed by them to these schools. Unless a measure were passed, empowering justices to provide fit and proper places as reformatories, they would continue to have small schools in different parts of the country, but they would be altogether inadequate to the wants of the country; and he thought this Bill would have the effect of providing proper buildings on eligible sites for the purposes of these schools. The hon. Member for East Surrey (Mr. Alcock) had greatly exaggerated the expense the Bill would occasion, when he stated the probable cost of maintaining a reformatory in that county would amount to £45,000 a year. He (Sir E. Kerrison) lived in a county, the population of which was about half that of Surrey; and he believed that for an annual expenditure of £2,000, they would be able to maintain a reformatory amply sufficient for the accommodation of the juvenile criminals of that county. It was not reasonable to rely upon voluntary effort alone for the support of these establishments. The offences being committed against the ratepayers, the ratepayers should maintain them. He wanted to see voluntary contributions given in aid of emigration, and the placing boys out—to such schools, for example, as those which the hon. Member for Staffordshire (Mr. Adderley) proposed to establish—the preventive schools and ragged schools. So far as the power to be vested in the justices was concerned, he did not agree with those who thought that they would abuse that power.

MR. HACKBLOCK said, he could not support the Motion for the rejection of the Bill. He would admit that the financial objection was formidable, but there were higher considerations than money involved in the present question. He had been present at meetings in the county of Surrey, at which resolutions were passed in favour of the present measure, and he was entirely in support of it himself, and begged to tender his best thanks to the Government for bringing it forward.

MR. BUXTON remarked that he had studied the Bill closely, and it struck him with much force that the measure was utterly needless. He had himself some connection with a reformatory, and he must say that he saw no reason why persons who took an interest in such institutions should not be called upon to subscribe for their support. He was glad to have some assistance from the Government; but it appeared to him that it was unnecessary to supersede voluntary effort altogether, and that Government, instead of superseding, should only supplement the exertions of private individuals. He was persuaded that the reformatory movement was advancing with sufficient rapidity, and that if they had the patience to wait a few years, the demand for those institutions would be abundantly supplied. If this Bill passed, there would be meetings in town halls, attended by the lord lieutenant of the county and the bishop of the diocese, at which resolutions would be passed in favour of large reformatories to be established under it, but the effect would be to transfer the management of reformatories from those whose hearts and heads were enlisted in the work to those who felt no interest at all in the matter. No doubt the measure would do a great deal of good, but it would work one certain evil, for it would be the death of all private enterprise. Besides, he did not like adding to the burdens already borne by the ratepayers; he shrank, indeed, from searching out more burdens than those which at present rested upon their unlucky shoulders. And his objection to the measure was the greater when he recollected the ratepayers would have no voice whatever in the expenditure of the money, for the magistrates were to meet together, and were to tax the ratepayers. The Bill was opposed to the principle that the people should tax themselves.

MR. MONCKTON MILNES said, that he regretted that the debate had been continued so long, as he believed that the observations which had been made might very well have been withheld until the Bill was in Committee, and he should not have risen but for the determined spirit in which the two knights for the county of Surrey had buckled on their armour against the Bill. They had said that the Bill would impose a great additional burden on the ratepayers; but if it were true that the effect of this measure was to increase expenditure, then they were totally wrong in what they were doing, and had been doing for some time past. He believed, however, the effect of the measure would be to diminish crime, and therefore ultimately to diminish expense. It was true that they were in a transition state, but he trusted they were on the way towards a better state of things. It was not, however, by leaving the present state of things in existence that they could ever arrive at a more perfect condition of things. On the contrary, the longer the remedy was delayed, the greater would be the extent of the evil they would have to contend with. With regard to the objection that the Bill would destroy voluntary exertions, he denied that experience justified that objection. The institution of Redhill, which was a model institution, had been referred to as an institution supported by voluntary efforts. Redhill received something like £6,000 or £7,000 from the State, and only £800 a year from voluntary exertions. Some of the most ardent friends of the reformatory movement were in favour of the measure, which he thought would give an impulse to, but by no means destroy, voluntary exertions. He thought that the magistrates, composing as they did the practical upper classes of the country, would start these institutions efficiently, and voluntary aid would flow in freely and naturally. Thus they would combine two most desirable objects — namely, a fair assistance from the Government, and at the same time all the zeal and interest which could be supplied by voluntary effort.

SIR HARRY VERNEY said, he belonged to a county in which, as yet, no reformatory had been established, but he should prefer to remain in their present state than have an institution which was entirely in the hands of the State, because he believed it would fail, and, by so doing, check the efforts of those who might be disposed voluntarily to devote themselves to the reformation of children. The reformatory movement was one of the most important and interesting which had taken place in this country for many years. But as the value of reformatory institutions very much depended on the mode in which they were conducted, he should oppose the present Bill. He did not think the time was yet come for proposing such a Bill. He was not disposed to take Redhill as a model. In Redhill there were forty criminals placed under one superintendent. That was too large a number. The best reformatory he ever saw was in Hamburg, and there were only thirteen criminals under the superintendent there. Time should be given to the friends of the reformatory schools to carry out the system to greater perfection.

MR. BECKETT DENISON said, he gave the Bill his most cordial support. He had studied the subject for many years, and he was quite sure that, if well handled, this would be one of the most important and valuable measures that Parliament had ever passed. He therefore hoped that the House, without further discussion, would proceed to the consideration of its clauses in Committee.

MR. GARNETT said, he would admit that the Bill was very different from the one introduced last Session, but there was this vital question involved in it—namely, whether it was wise to leave the beaten track which the reformatory system had hitherto taken, that of combining voluntary contributions with Government aid, or whether they should adopt the system of establishing schools by means of county rates. That, and that only, was the real question at issue. Referring to the history of reformatories, he was satisfied that the system had worked well upon the whole, and that it was unnecessary to disturb it and adopt another. It had neither failed, nor had it disappointed the expectations of its friends; so far from that, he believed it had exceeded those expectations in every instance.

MR. BAINES observed, that he thought the House should remember that the question before them was not upon any clause of the Bill, but whether the House should go into Committee. He apprehended the discussion had gone upon the first clause of the Bill, upon which he should be prepared to give an opinion at the proper time. He would beg the House to observe the clauses at the end of the Bill. The effect of them would be to give greater power over the parents of offending children. The law at present was not strong enough. There was another useful clause in the Bill to give county justices the power of entering into contracts with the proprietors of these institutions for the purpose of accommodating a certain number of children. If the Amendment were carried, it would extinguish the Bill altogether. And, as to many of the clauses no objection whatever could be entertained, he trusted the hon. Member for Surrey would withdraw his Amendment, and limit himself to an opposition in Committee to such of the clauses as he objected to.

Sir Harry Verney

MR. BARROW said, the Bill was introduced with the express object of establishing reformatory schools by means of a compulsory contribution from the county rates; and he had the greatest possible objection to attaching that character to these institutions. But strongly as he felt upon the financial part of the question, he felt still more strongly upon this—that it would interfere in an injurious manner with existing institutions, which he believed would prove most beneficial by being left in the hands of those whose hearts and souls were so much enlisted in the matter as to induce them to put their hands into their own pockets, and not into the pockets of other people. He was sorry, however, that the exertions of those parties had been greatly retarded in many districts by the expectation of some compulsory measure of this sort. He should be glad to hear from the Government, therefore, that the compulsory portion of the Bill was to be abandoned.

MR. PEASE said, that he considered it a privilege to assist in the reformation of domestic institutions. He considered, however, that none but voluntary efforts would succeed in reforming the criminal portion of the population; and therefore, as an humble aliquot part of the representation of Great Britain, and no rider of hobbies, or associate of hon. Gentlemen who were, he should vote for the Amendment, because he believed the Bill was not calculated to promote the social good of the community.

MR. GILPIN said, where voluntaryism was pure voluntaryism, there was no principle so efficacious in promoting its object, whether social or religious. But the question of pure voluntaryism in this matter had been settled long since by the fact, that the reformatories already established generally received support from the Government. He held that it was necessary to draw a distinction between the reformation of juvenile offenders and the education of those who were not offenders, or who, from the circumstances in which they were placed, were almost certain to become offenders against the laws. As to the expenses likely to be incurred, it appeared to him that in the end there would be a balance in favour of the ratepayers. That this was a good Bill he did not believe; but that it could be amended he did believe, and therefore he should vote for going into Committee.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 168; Noes 37: Majority 131.

Main Question put, and *agreed to*.

House in Committee.

Clause 1 (Justices of a County or Council of Borough Sessions may grant money in aid of Reformatory Schools).

MR. LIDDELL said, he thought that the Bill would interfere with the internal arrangements of the reformatory schools. He was also of opinion that the ratepayers would not submit to a compulsory rate of 7*s*. or 8*s*. for each inmate of a reformatory.

SIR HENRY WILLOUGHBY was so much opposed to throwing on the magistrates the odium of imposing this rate on the ratepayers of the counties, that he should oppose the clause altogether. He had no objection to reformatories, and to their receiving aid from the State; but this Bill imposed a tax on a particular class of property.

MR. KNATCHBULL-HUGESSEN observed, that some time ago the Prime Minister made something as like a promise as ever he did in his life—that he would bring in a Bill for the establishment of financial boards. When that measure was passed, he would not object, perhaps, to this Bill; but at present he would support the Motion for the rejection of the clause, as it would tend to increase the burden of the ratepayers which was already too heavy, and thus bring reformatories into bad odour.

SIR GEORGE GREY said, he hoped the Committee would not reject the clause on the ground mentioned by the hon. Gentleman behind him; for if the object were really one of public importance, and that it was so was generally admitted, they ought not to negative the measure simply because county financial boards were not established, and the ratepayers were not represented under the system by which the county rate was at present administered. He also begged to remind the Committee that it was at the instance of the friends of the reformatory schools that the Government increased the allowance to them from 5*s*. to 7*s*. per head.

MR. BECKETT DENISON entreated the Committee not to reject the Bill, which he considered to be absolutely indispensable in the present circumstances of the country.

MR. BENNET said, he admired the exertions of individuals, and approved of reformatory schools supported by voluntary contributions. He could not consent to allow his constituents to have the county rates (at present very burthensome) charged with additional rate for the purpose.

Motion made, and Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 149; Noes 51; Majority 98.

Clause *ordered* to stand part of the Bill.

Clause 2 *agreed to*.

Clause 3.

SIR HENRY WILLOUGHBY wished to know if the justices were to have power to grant money without limit?

SIR GEORGE GREY: No limit was fixed by the Bill; of course the amount must vary according to the size of the institution, and would be wholly in the discretion of the magistrates.

Clause *agreed to*; as were also Clauses 4 and 5.

Clause 6.

SIR JOHN TRELAWNY proposed to substitute 2*s*. 6*d*. for 5*s*. as the amount which a parent should be compelled to contribute towards the maintenance of his child in a reformatory.

SIR GEORGE GREY said, that this was not a new enactment. It was taken from other Acts which were now in existence.

MR. BARROW denied the right of society to compel a father, who had no complicity in the crime of his child, to pay for the support of his child in one of these reformatories.

SIR EDWARD KERRISON observed that the magistrates had a discretionary power in the matter.

Clause *agreed to*; as were also the remaining clauses.

The House resumed.

Bill *reported*; as amended, to be considered on *Tuesday* next, and to be printed.

BURY ELECTION—REPORT.

House informed, that the Committee had determined—

That Robert Needham Philips, esquire, is duly elected a Burgess to serve in this present Parliament for the Borough of Bury.

And the said Determination was ordered to be entered in the Journals of this House.

MAYO ELECTION COMMITTEE.

REPORT.

Mr. SCHOLEFIELD *reported* from the Select Committee appointed to try and determine the matter of the Petition of George Gore Ouseley Higgins, complaining of an undue Election and Return for the County of Mayo; That two Letters addressed to Colonel Higgins, and duly verified, had been produced before the Committee, alleging that one of the witnesses, John M'Laughlin, examined before the said Committee, had been maltreated; and another witness, John Gannon, had been so seriously injured by a mob, led on by one John Sheridan, that his life is in danger, such maltreatment and injury having been inflicted upon them in consequence of evidence given before the said Committee: The Committee have therefore instructed him to report the circumstances to the House, in order that the House may take such steps as may seem to the House to be proper and necessary.

Mr. WALPOLE: Before proceeding to the orders of the day, I wish for a moment to call the attention of the House to the Report which has just been presented by the Chairman of the Election Committee of the county of Mayo. I understand from that Report that evidence has been produced before the Committee to the effect that two letters have been addressed to Colonel Higgins, stating that one of the witnesses, named John M'Laughlin, who was examined before the Committee, had been severely beaten, and that another witness, named John Gannon, had been so seriously maltreated by a mob, led on by one John Sheridan, that his life was in danger. The Report states that this maltreatment was represented to have been inflicted in consequence of the evidence which the witnesses in question gave before the Committee. As the Report is drawn that appears to be the allegation; but no particular proof of the maltreatment has been produced at present before the Committee. I think, however, that the House having had its attention called to the facts, should not leave the matter where it is without some inquiry on the subject, and probably under the circumstances, the best course that I can adopt is to obtain information from the Attorney General for Ireland as to whether any intelligence has reached him with reference to these proceedings, and if it have, whether he has taken, or is prepared to take, any steps in consequence of such intelligence.

Mr. J. D. FITZGERALD: In answer to the question of the right hon. Gentleman, I should state, for the information of the House, that, having in the course of the day heard of the production of the letters referred to before the Committee upstairs, my right hon. Friend the Chief Secretary for Ireland communicated at once by telegraph to the Under-Secretary at Dublin, and that he received a message in reply, stating that an outrage such as that described in the letters had been committed, and that two persons had been beaten severely; but the cause of the beating did not appear. It seems that the local authorities had acted immediately on the occurrence of the violence, the stipendiary magistrate on the spot having arrested nine persons charged with being participators in the outrage, and that those nine persons are now in custody. As I was expected to be in Dublin to-morrow the papers have been left there, awaiting my consideration, and I hope to be in Dublin to-morrow morning. It appears that the assizes for the county of Mayo commence this day week, and I apprehend that there will be no difficulty in placing those persons on their trial at the approaching assizes, and, if guilty, of bringing them speedily to justice, and I need not state that the penalty which the law inflicts for such an offence is very severe indeed. In the meantime I think that the interposition of the House would be productive of great inconvenience, by interfering with the regular course of the administration of justice. Besides, we have at present no evidence with which we can deal—it is a mere allegation contained in the letters—and the offence, so far as this House is concerned, would be, not the outrage on the individuals, but the fact that that outrage was committed in consequence of the evidence which they gave before a Committee. That would be a somewhat difficult subject to inquire into at the Bar of the House, and possibly we should be able to arrive at no satisfactory conclusion. In the meantime the law is strong enough to reach cases of this description, and to punish those who commit such outrages, and I will take care, if these persons be guilty, that the law shall be put speedily in force.

Ordered that the Report do lie upon the Table.

LUNATICS (SCOTLAND) BILL.

SECOND READING.

Order for Second Reading read.

MR. BAXTER said, he did not rise to prolong the discussion on this Bill, as enough had already been said to cause no pleasant feelings in the minds of those who were conscious of a dereliction of duty as regarded the insane poor of Scotland. It was for the House, by a bold and vigorous measure, to apply a remedy to those evils which all acknowledged to exist, and which no one desired to see any longer perpetuated. He hoped, therefore, that there would be no objection made to the second reading, because he thought that no candid and impartial man could have read the Report of the Commissioners, and the evidence on which it was founded, without coming to the conclusion that legislation was absolutely necessary, and that there was no time for delay. He greatly regretted that any portion of the people of Scotland, in their dread of centralization or of increased taxation, should have shown an inclination to treat lightly the evils which had been exposed by the Commissioners; but, while he admitted, on the one hand, the evils that prevailed, and the existence of a small party in Scotland who were disposed to pass them lightly by, he contended that the great majority of the educated and influential classes had evinced every disposition to deal justly and humanely with the poorest and most to be pitied portion of our fellow-creatures. He feared that there existed in this country a serious misapprehension as to the true state of the case, and that it was supposed that the people of Scotland had altogether neglected the proper treatment of the insane poor. He assured the House that this was not the fact, and in proof of his statement he would refer to the Report of the Commissioners themselves, in which they stated that they had reason to believe that there was no country in proportion to its population which had done so much voluntarily for this class of sufferers as Scotland; and, although it might be said that she contrasted unfavourably with other civilized States in having no national institutions for the reception of the insane poor, yet that in respect to voluntary efforts she was entitled to honourable distinction. He wished to speak with all possible respect of the Commissioners who had drawn up the Report, because he thought that they had performed their duty faithfully, impartially, and thoroughly; but he could not shut his eyes to the fact that in their very natural and proper anxiety to bring to light the abuses which prevailed they had not been sufficiently liberal in their commendation of the admirable chartered asylums of Scotland. What was really wanted in Scotland was an increase of the large public asylums. He held it to be utterly impossible to remedy the present state of things without erecting all over the country a very great number of large public asylums; and to do that was, he understood, the main object of the Bill. Whatever might be the case in other parts of Scotland, in that part of the country with which he was connected the evils to which the attention of the House was called were utterly unknown. In Forfarshire there existed two large and admirably conducted asylums. He should be glad, however, to see a clause introduced into the Bill prohibiting the confinement of pauper lunatics in any private asylum whatever, where a sufficient number of public establishments were open. He also was pleased to find that the Bill did not propose to interfere with the management of existing asylums otherwise than by supervision of their accounts; for they were already most admirably managed. He would further express a hope that the Lord Advocate would abandon the proposed temporary Lunacy Board, and place the inspection of lunatics at once, instead of at five years hence, under the Secretary for the Home Department, and this change would be attended with the advantage that there would then be a responsible Minister in that House to answer any inquiries which it might be necessary to make respecting the state of lunatics in Scotland. Believing the state of things in Scotland in connection with the treatment of lunatics required remedy, and agreeing in the general principles of the present Bill, he was anxious to see it pass into law in the present Session, but he did not believe that that would be the case, unless the learned Lord deferred to public opinion in the matter he had just mentioned, for boards, besides being cumbrous and ineffective in general, were especially unpopular in Scotland.

MR. CUMMING BRUCE said, he should be glad to see a remedy applied to the evils brought under the notice of the House by the Report of the Commissioners, but perhaps he would be found to differ in opinion with many Scotch Members, as to the most likely means of permanently and usefully remedying them. He regretted that he had been unable to attend the former discussion on the subject of the Bill in that House, or the meeting of Scotch Members which had been convened by the Lord Advocate for its primary consideration; but he would beg English and Irish Members not to consider themselves dispensed from the necessity of attending to Scotch measures, because they were told that the Scotch Members had assembled together in a private meeting, and given their sanction to them. He, for one, saw no ground for creating a new Board in reference to this subject. He entirely concurred in the remarks of the hon. Member, but he also believed that the Commission had allowed itself to be carried away by exaggerated statements; nevertheless, whatever case their Report might make against private houses, it was, as regards the public asylums, highly favourable to Scotland. In some parts of Scotland, the asylums built and supported by voluntary contributions were amply sufficient, and it behoved Scotch Members to see that the country was not saddled with unnecessary expenses. There was no doubt that, in some instances, the Commissioners had exaggerated the existing evil, having taken the number of insane poor, not from the Poor Law Board, but from the reports of constables, and having collected together all sorts of stories from different parts of the country. By the present Bill a new Board was to be appointed, and the Board of Supervision was entirely passed by. Why was that done? He believed that the Board of Supervision had not neglected its duty, for, from the first, it had uniformly, and year after year, called the attention of the Government to the deficiencies in its power. It was, then, the duty of the Government to have given it increased power. In 1852 the attention of the Lord Advocate, who held office under Lord Derby's Administration, was called to the condition of the lunatic poor in Scotland, and he addressed a letter to the Secretary of the Scotch Poor Law Board, requesting to be informed of his views as to the existing evils, and the remedies which he thought it desirable to adopt. He (Mr. Bruce) regretted that, on a former occasion, the hon. Member for St. Andrews (Mr. E. Ellice) had thought it necessary to make some very severe and unjust charges against the distinguished Chairman of the Board of Supervision in Scotland (Sir J. M'Neill), to whom, in his opinion, the country was under great obligation for the manner in which he had discharged his difficult and important duties. He (Mr. Bruce) did not think it possible that so voluminous a Bill as that now before the House, containing no fewer than one hundred clauses, could receive adequate consideration during the present Session; but powers might, without difficulty, be conferred upon the Board of Supervision, which would enable them to provide for the satisfactory administration of the law. He believed that, if two inspectors were appointed, who, if it were thought desirable, might report directly to the Secretary of State for the Home Department, much would be done towards remedying the evils which were now complained of. In reply to the application of Lord Derby's Lord Advocate, the late Secretary to the Board of Supervision said, that it was almost impossible to put an intelligible construction upon many portions of the existing statutes relating to lunatics, and that the codification or embodiment of the law in one Act of Parliament would be a great advantage. The Secretary further stated that the condition of pauper lunatics had, undoubtedly, been much ameliorated during the last ten years, since the Poor Law Act had been in operation; that, during the inquiry which took place in 1844, many cases of a most painful nature were brought to light, such as the chaining of lunatics to trees, or their confinement in a sort of cage; but that measures had since been taken by the Board of Supervision to prevent such proceedings, and to provide for the due administration of the law. Half-yearly returns, containing the names of persons chargeable as pauper lunatics, accompanied by medical certificates, were now required by the Board of Supervision from every parish, and when lunatics were placed in asylums, the jurisdiction, as well as the responsibility, passed to the sheriffs. He (Mr. Bruce) quite agreed in the observations contained in that communication, and he thought that all that was required for the immediate improvement of the law relating to lunatics in Scotland was, to see that additional and efficient inspectors and more ample accommodation were provided. He considered that it would be impossible to pass this Bill in a satisfactory form during the present Session, and if it was hurried through the House, it would be found necessary at a future time to propose another measure for its amendment.

Mr. DRUMMOND said, as reference had been made by his hon. Friend the Member for Elginshire (Mr. C. Bruce) to a meeting of Scotch Members held on Friday last, to consider the provisions of this Bill, he would take the liberty of telling his hon. Friend and the House that meetings of Scotch Members were not always beneficial even to the intersts of Scotland; for he remembered Lord Rutherford telling him that it was by a meeting of Scotch Members that his Bill, which was a very excellent one, was entirely destroyed, and that after that, he found it utterly hopeless to attempt to carry it through the House. The hon. Gentleman would leave everything to the care of these Poor Inspectors. Why, these inspectors were the main cause of all the mischief that had occurred, and it was the frauds they had committed on the poor that had rendered legislation on this subject necessary. But then, it was said, the Board of Supervision was popular in Scotland. Popular with whom? Why, popular with the "lairds"—popular with the ratepayers, and men like the doctor who had been referred to, and who was afraid to tell the truth, for fear he should incur the censure of the ratepayers. They were totally incompetent to perform the functions assigned to them, and it was suspected that those were the same gentlemen who opposed Lord Rutherford, and who had prevented anything being done for the last ten years. Now, some hon. Members objected to the proposed Lunacy Board for Scotland. He was not standing up for any board at all. He contended they would never have the care and treatment of lunatics in Scotland properly regulated except through the instrumentality of experienced Lunacy Commissioners, such as we had in this part of the kingdom. But he would say, let there be any sort of machinery rather than that things should go on as they did now. The impression created throughout the country by the Report of the Scotch Lunacy Commission, as lately brought under the notice of that House, might be a short-lived one. He suspected there were not many persons who had read that Report. Be that as it might, he would say—"Strike when the iron is hot." Let them not be deluded into deferring this measure to another year. There was no man in that House, or in Scotland, who dared to vindicate the things which were stated in that document. So long as there was not some person whose special duty it was to inquire into those things—so long as these lunatics were left in the hands of the Sheriffs alone — there would never be a remedy applied, and therefore it was absolutely necessary to have some machinery organized with the view to a remedy. It was not, however, for machinery that he contended, but that something should be done for the immediate and permanent protection of these poor and ill-treated people. Letters had recently been sent to him from Scotland on this subject, written on the part of the poor, which gave it a very melancholy aspect. He said the treatment of the poor in Scotland was scandalous. [*An ironical* "Hear, hear!"] Yes, he repeated, it was scandalous, and he warned the House against being led away by the cant that they were breaking down the spirit of the poor, by saying that they should support themselves. Support themselves! It was a perfect mockery. It is bad enough in England, but it is ten times worse there; and he should like to see another Commission sent down to Scotland to see how the poor fared there, just as a Commission had been sent to see how the unfortunate lunatics were treated.

Mr. HOPE JOHNSTONE was understood to say, that he perfectly agreed with the hon. Member for West Surrey, that it was not desirable that this measure should be postponed till next Session, as he doubted whether the House would be able then to entertain it. He had risen, however, for the purpose of stating that, in the part of Scotland (Dumfriesshire) which he represented, the only real objection felt to the provisions of the Bill of the Lord Advocate had reference to the constitution of the Board of Commissioners in Lunacy. The leading men in that part of the country who had given their attention to this subject would be perfectly satisfied with the most stringent inspection, and they wished to see the most complete publicity. They desired to see the proposed inspectors appointed; but, at the same time, to hold direct communication with the Secretary of State; and if a change of that kind were made in the Bill, he believed it would meet with general approval. The county with which he was connected was fortunate enough to possess an asylum conducted on the most admirable principles, which afforded very excellent accommodation, so far as it went, for pauper lunatics; and he was authorized to state that the trustees of that institution, at the suggestion of a benevolent lady, who took much interest in ameliorating the condition of this unfortunate class of persons, had passed a resolution by which accommodation for upwards of 200 additional pauper lunatics would be provided. He should like to see the Bill amended so far as to allow such asylums to receive pauper lunatics at a rate of charge not exceeding a given limit to be fixed by the Bill; and he thought, also, that it was only a matter of justice to exempt them from parochial and county rates.

Colonel SYKES said, he must complain that a vast deal of odium had been thrown on the Board of Supervision for acts of omission and inefficiency over which the able man at the head of that board had no control, and for which he was not responsible. That, however, appeared now to be the usual fate of the most distinguished public servants both at home and abroad. He would remind the House that the Board of Supervision had annually reported to Parliament and pointed out defects which called for a remedy. But that board had no power to act. It rested entirely with the Secretary of State, or the sheriffs of counties, to carry out the recommendations which were made by the board from time to time. That a state of things existed as regarded pauper lunatics which demanded a remedy there could be little doubt; but the duty of applying that remedy, he repeated, devolved on the sheriffs of counties throughout Scotland and the Secretary of State, and not on the Board of Supervision. He had no hesitation in saying that there was throughout the whole of Scotland an earnest desire that the unhappy people afflicted with lunacy should have the greatest amount of care bestowed on them, and for that purpose they were ready to consent to any measure, which was not inconsistent with the principle of self-government in local matters. The city he represented had one of the best asylums in the country, and the authorities connected with it invited inspection; but what they did not want was the interference which would disgust those who were voluntarily giving their money and their time to the care and relief of the unhappy inmates of the asylum. Again, the asylum at Perth was managed with all the care of a private family, and had been productive of the happiest results. He held in his hand a newspaper called *Excelsior*, which was got up by the so-called mad people there, and in which were several papers translated from German and French into English; and he assured the House that he saw fewer indications of madness in that little sheet than were occasionally to be seen in newspapers with which the community was daily familiar. He took exception to the board contemplated by the Bill; but if the counties were compelled to build asylums in which pauper lunatics could be located, and if the inspection of them could be made by persons sent directly from the Lunacy Commissioners in London, or from the Secretary of State for the Home Department, he should give it his hearty concurrence.

Mr. WHITBREAD said, he wished to know whether the Lord Advocate was ready to proceed for penalties against any of the parties who had been guilty of the enormities reported by the Commissioners. The case to which he desired more particularly to call attention, was that of the establishment at Hill-lane House, near Greenock. On the day on which the Commissioners visited it there were seventy-one inmates. Most of them were pauper lunatics, paying £22 a year each; but some were of the better class, paying from £40 to £50. The gross receipts were from £1,500 to £2,000 a year. It appeared that the Commissioners had reported against a prosecution in this case because there was no power to mitigate the penalties; but he did not think a penalty of £200 at all too great for the crimes and atrocities which had been committed at that house. The true way to effect a revolution in the treatment of pauper lunatics was to touch the pockets of those who lived by them; and if a few of these persons were prosecuted it would show that the House and the Government were in earnest on the subject.

Mr. F. DUNDAS was understood to

deny the truth of the case mentioned in the Report, respecting the removal of a female pauper lunatic from Kirkwall to Edinburgh.

MR. E. ELLICE (St. Andrews) said, he regretted that hon. Members had not noticed the facts upon which he had made his statement. He would not say that the Report was accurate in all its details; but he believed it might be taken as a fair average of the state of things which existed in Scotland. There might be some exaggerations and misstatements; but, on the other hand, there were many cases that never came before the Commissioners, and consequently never appeared in their Report at all. He would not enter into the particular statements; but he would say this much, that while there had been the greatest improvement on the part of the Government, the inefficiency of the system of inspection was abundantly proved. He complained very much that whilst the letter which had been read, stating that great atrocities existed before the Poor Law, but that since the passing of the Poor Law they had ceased, was being written—at the very time when that letter was being penned—two of the worst cases, that of the man who was chained to his bed for thirty years with a two-foot chain, and that of the two women who were confined in cages under very revolting circumstances, were still in existence unaltered. The House of Commons never dreamt of what the state of things really was. Some hon. Members thought the Bill was hard upon individuals. He was ready to admit the eminent services of the gentleman who presided over the Board of Supervision, but the fact was, that the inspection of the poor was more than one individual could undertake. When there was a board consisting of one paid and of several unpaid officers, the whole duty always fell upon the paid officer. The superintendence of the pauper lunatics of Scotland demanded continuous care; it was a continuous charge, and he did not understand that any member of the board attended it continuously. The *laches* of the board was no doubt to be attributed to its constitution; but the duty of any official who found himself overworked was to state the circumstance to the Government, and consequently he could not acquit the head of the board for not having written to the Government, and said he would no longer be responsible for duties which he had not the means to perform. He dissented from the suggestion of the hon. Member for Aberdeen (Colonel Sykes) to have inspectors come to Scotland from the Lunacy Board in London. It would be centralization with a vengeance, and most distasteful to the people of Scotland. At the same time he was aware of the objections to a new board in Edinburgh, and he had come to the conclusion that all the evils might be remedied without having recourse to it. The three great objects of legislation were—first, the establishment of proper asylums in which pauper lunatics could be kept; secondly, proper inspection, not only of those asylums, but of every place in which lunatics were confined; thirdly, power in the Board of Supervision, under certain circumstances, of exempting pauper lunatics from confinement in asylums—a power which he thought should be reserved—and some guarantee by way of inquiries from time to time that such exemptions did not lead to abuse. He intended to leave the whole responsibility with regard to the details of the Bill upon the Government. Discussion of the details would be perfectly useless, and would hazard, in point of time, the passing of the measure. He thought it was of the utmost possible importance that there should be legislation upon the subject, and that an Act should be passed in the present Session. He thought that no inconvenience would result from passing the Bill now, and if from experience they found that amendments were necessary, a measure for that purpose could be introduced next year. In the meantime a new system would be inaugurated, and a basis laid upon which action could be taken immediately. The point upon which he felt the greatest anxiety was that relating to the appointment of inspectors. He was bound to say that the Bill had been greatly improved in that respect, but it still provided for the permanency of the central board in a way which he could not approve. He disliked centralization, about which the people were so justly jealous, and could not see what they wanted with a board in Edinburgh to interfere, beyond simple inspection, with the different local authorities, who were charged by the Bill with the duty of carrying out its provisions. All that was required and desirable was to lay down what the law should be, to say what the counties should do, and then to take care that the Act was properly enforced. There should be two general inspectors—he did not like the name of Commissioners

—with no power beyond an absolute right of inspection at all times and under any circumstances, but with the imperative obligation of visiting every place in which lunatics were confined. If they found that the law was not carried into effect in these asylums, they should be empowered to call upon the local authorities to discharge the duty incumbent upon them, and, in the event of the latter refusing to do so within a reasonable time, they should be bound then to make a representation to the Secretary of State, under whose authority and sanction, but subject to any explanation which the local authorities might have to give, legal proceedings might be taken, if necessary, against the offending parties. A provision of that kind would, he thought, prevent undue interference with the local authorities, and protect the central board against that jealousy which it might otherwise excite throughout the country. Again, there must necessarily, in the first instance, be a good deal of negotiation and correspondence with the different counties in Scotland relative to the erection of asylums, and he thought it would be desirable to have, in addition to two paid general inspectors, three unpaid members of the central board for the purpose of carrying out the preliminary arrangements. These three members, he thought, should be gentlemen in whom the people of Scotland generally had confidence, and should continue to act for the first five years the Act was in operation, after which period their functions were to lapse. In this respect, also, the Bill had been greatly improved, and he was not unwilling to take it as it now stood. Another matter to which he wished to direct the attention of the House was the combination of counties. He thought that, instead of having the counties divided into districts, as proposed by the Bill, the principle of the Poor Law Act ought to be adopted. Let every county be told that it would be required to provide a certain amount of accommodation for its pauper lunatics, either by building an asylum for itself, or, if it thought fit, entering into a voluntary combination with other counties for the purpose of erecting an institution for their joint use. That would be much better than taking counties and placing them arbitrarily in districts, for the county authorities would be much better judges than any other persons which plan would best suit their particular case, and could easily ascertain whether they could come to any arrangement. He thought, also, that there should be some power of detaching parts of counties and annexing them, for the purposes of the Act, to other counties. Some of the islands belonging to the counties of Inverness and Ross, owing to their communication with the south by sea, would find it more convenient to send their lunatics to Greenock or Glasgow than to their own district asylums. He likewise hoped that some provision would be inserted in the Bill with respect to medical men, whose position as connected with pauper lunatics, and, indeed, pauperism generally, called loudly for the interference of the Legislature. At the time that the Corn Laws were repealed, when it was supposed that that measure would be injurious to the proprietors of land in Scotland, Sir Robert Peel made a grant from the Consolidated Fund of £10,000 a year towards the payment of medical officers. Under these circumstances, he thought that the Government, seeing the arduous duties they had to perform, and that the working of the measure depended on them above all others, ought to fix a minimum allowance, below which the parishes should not be allowed to go. But there was one very important question which he must again repeat, and to the consideration of which he urged the Government. What was to be done—and done instantly—to alleviate the condition of the pauper lunatics? His hon. Friend had most justly called the attention of the Lord Advocate to the necessity of proceeding against those keepers of asylums who had, in contravention of the law, ill-treated and neglected the wretched creatures entrusted to their charge. He trusted that the hon. and learned Lord would consider the propriety of making some examples which would be a terror to the rest. He wanted to know, also, what was to be done now with that vast mass of lunatics who came under the superintendence of the sheriffs and the poor law authorities—those who were confined in workhouses and allowed to mix with the other pauper inmates, those who were permitted to run wild in their parishes, and those idiot women who—he was sorry to say—were rapidly increasing the population by the birth of idiot children. He wanted to know what was to be done with these poor creatures till the new asylums could be built. If the Board of Supervision were instructed to insist upon decent allowances being given for the maintenance of these pauper lunatics, he had no doubt that the state of things described in the Report of the Commissioners would soon pass away, because, after all, the question was merely one of pounds, shillings, and pence. In the case of outdoor lunatics nothing more was required than the enforcement of the existing law, and he believed that, had it not been for the negligence of the sheriffs and the Board of Supervision, nine-tenths of all the evils denounced by the Commissioners might have been prevented. As far as the Bill itself went, not only did he give it his support, but he felt grateful to the right hon. Gentleman for introducing it, as, subject to the Amendments of which notice had been given, he thought it would be useful; and, although the present Bill was not and could not be perfect, yet there would be ample opportunity next Session to pass a more complete measure. Before sitting down, he wished to make a statement for the satisfaction of the Sheriff of Orkney, who had felt himself aggrieved by a certain statement which had been made upon the Commissioners' Report. The case he had referred to was that of a female pauper lunatic removed from Orkney to Edinburgh, and who, upon her arrival at the latter place, was found to have all her ribs on one side broken, her backbone hurt, and altogether so severely injured as to endanger her life. The woman made a declaration that the injuries had been inflicted by the gaoler of Kirkwell Prison. There was no doubt that the woman had been grievously ill-treated somewhere, but it appeared from inquiries instituted by the Sheriff of Orkney that she was mistaken in attributing them to the gaoler at Kirkwall, who was represented to be a humane man, and not at all likely to behave so brutally. The poor woman had, therefore, been mistaken as to the place where she was ill-treated, but the fact remained that she had been ill-used somewhere, and therefore the deduction from that case remained unaltered — namely, that there did exist at present gross neglect in the supervision of pauper lunatics in Scotland.

MR. BLACKBURN observed, that he thought that the beginning and the end of the speech made by the hon. Gentleman who had just sat down showed how necessary it was that they should obtain a statement from the Board of Supervision, founded upon an examination into the accuracy of the Reports of the Commissioners. In point of fact, it might turn out all a mistake that any individual whatever did the injury to the poor woman. An inquiry, he believed, had been made, and the Board of Supervision had shown themselvce most anxious to investigate every case which had been brought before them by the Commissioners. No sooner had the Report been made, than the Board set about making inquiries into the truth of the statements it contained, and as far as they had been able to ascertain, those statements were even more erroneous than they had expected to find them. Out of four cases which had been brought before the Commission, it turned out that two of the parties were not lunatics at all, and immediate steps were taken to relieve the two others. He trusted that the right hon. Gentleman the Secretary of State for the Home Department would have no objection to lay before the House the correspondence which had been had with the Board of Supervision upon the subject. He had consented to produce the correspondence with the sheriffs, and this would show, in some degree, how many mistakes had been made. It was rather dangerous to legislate upon insufficient information, but at the same time he believed, with every Scotchman, that it was necessary that something should be done, and that at all events asylums should be built. Above all, he thought that there should be a proper inspection of existing asylums, especially of private asylums, and that the whole system should be very sharply looked after. The blame had hitherto been put upon the stinginess of Scotchmen; but what was the fact? A very large number of lunatic wards had been built in the poorhouses, because there was no power to build asylums. There were now three times as many lunatic patients confined in wards as there were in 1847. If public asylums were built, well and good; but if not, they should encourage the construction of those lunatic wards. With respect to the Bill itself, he agreed with every Scotch Member that there was no use for a permanent board. An unpaid Commission and a temporary board might work; but if they endeavoured to coerce the people by centralisation, they would do little other than raise a feeling of opposition against them in the counties, in regard to things which might be much better settled among themselves. His hon. Friend the Member for Elgin (Mr. C. Bruce) had been misunderstood, as he did not object to asylums being built, but merely to the board as proposed in the Bill, and it seemed to be unanimous on the part of the Scotch Members that there should be merely powers of inspection. If the right hon. Gentleman (the Lord Advocate) would carry out the Amendments of which he had given notice, he (Mr. Blackburn) should not object to the second reading.

Sir GEORGE GREY said, he wished to explain the reasons why the correspondence with the Board of Supervision had not been laid before the House. A few days since he received from that Board a Report which it was his intention at once to have laid upon the table of the House, but upon looking over the statement he found some passages which according to the rules of the House, he conceived would prevent its being laid upon the table. He submitted the matter to the highest authority (Mr. Speaker), who at once confirmed his doubts, and therefore he (Sir G. Grey) returned the document with an intimation that upon an amended statement being sent he would be glad to lay it before the House. The reason for sending back the statement was that it contained distinct references to the debate which took place in the House upon the presentation of the Commissioners' Report. He would admit that that statement might show the Commissioners of Lunacy to have been in some instances in error, which was not unnatural, considering the extensive and complicated naure of their duties; but at the same time he did not at all intend to admit that the general statements in their Report had been so impugned as to render legislation unnecessary or to diminish the necessity for immediate action. Upon this ground he was gratified to find there was to be no opposition to the second reading of this Bill, the explanation of the details of which he should leave to the Lord Advocate, simply remarking that in his opinion a central board would be necessary in the first instance, at least, to set the machinery in motion. He could not agree that the present evil could be removed without some compulsory power to require the erection of asylums. That power had been found to be necessary in England, and was equally necessary in Scotland. He agreed that counties should be permitted to combine to build asylums, and, indeed, great care ought to be taken that they should not be multiplied too much. The great object of the Bill, however, was to provide sufficient accommodation for the unfortunate class to whom it referred. Before sitting down he felt it due to Sir J. M'Neill, the President of the Board of Supervision, to express his concurrence in the observations of the hon. Member for Elginshire (Mr. C. Bruce) respecting that gentleman, with whom he (Sir G. Grey) had had frequent communications, especially during the period of the distress in the Highlands, and from that intercourse he had been led to form the highest opinion of Sir J. M'Neill's humanity, and of the zealous manner in which he discharged his important duties.

Mr. W. EWART said, he thought that, with an efficient system of inspection, the Local Boards might do all the duties that were necessary, without the intervention of any intermediate central board whatever. He trusted that the learned Lord would attend to the suggestions which had been made with that view; but as it was impossible to deny the necessity of the measure now before the House, he would vote for the second reading, but at the same time he hoped that as much encouragement would be given for local management as was consistent with the working of the machinery of the Bill.

Mr. DUNLOP said, he wished to express the great gratification which he felt at seeing something like a remedy proposed for those painful and harrowing evils which were so discreditable to Scotland in connection with the treatment of pauper lunatics. He had the highest confidence in the Commissioners, and no supposed inaccuracy in this Report should for a moment be made to stand in the way of legislation. Even if all persons had done their duty, it was impossible but that cruelty and ill-treatment must have taken place when they considered the way in which pauper lunatics were treated. There were about 4,500 pauper lunatics in Scotland. Of these only 1,500 could be provided for in public asylums; the remaining 3,000 had either been placed in poorhouses, which were not at all adapted to the purpose, or they were left in the hands of strangers, without any security against harsh treatment, or they were sent to licensed houses, in which profit was the great object. There was no care, superintendence, or inspection—nothing in short to prevent such evils as had actually arisen. Personally he would have preferred a system of efficient inspection without the establishment of any central board, but there might be good reasons why, for the present at least, that board should be appointed, and he would not give it any opposition. He rejoiced that another Session was not likely to pass over without something being done to remove what was at once a national calamity and a national crime from Scotland.

The LORD ADVOCATE said, that it would not be necessary for him to say more than two or three words in reply, as they were substantially unanimous upon this question. Even on points where a difference of opinion was expressed it would be found to be more in words than in substance. The hon. Member for Elginshire (Mr. Bruce) was under a mistake in his estimate of the particular clause to which he referred. The evils to be remedied were substantially two—the want of sufficient accommodation and the want of sufficient inspection, and by providing a remedy for these two wants, they would substantially lay the basis for a proper administration of the lunacy law. It having been admitted that these things were necessary, the question was how these objects were to be attained. Various suggestions had been made for that purpose. It was, in the first place, suggested that the duties to be discharged under the Bill should be intrusted to the English Board, with two Scotch Members, but if he had proposed such a thing it would naturally have occasioned much difficulty in Scotland, and, in point of fact, on consultation with the English Board, he had found that it would be impossible to work the system on that principle. Then they were told that they should have connected the business with the Board of Supervision; but when that was proposed in 1849, Sir John M'Neill himself stated that he would not undertake it; and had such a course been taken it would have made little difference, for they must have had additional paid Commissioners, with a paid secretary. This, therefore, was a mere question of words, and not of substance. If the Board of Supervision could have undertaken the duty he should have been most glad to charge them with it, but in the face of Sir John M'Neil's declaration, he could not do so. The third proposition was that the Home Secretary, with the aid of inspectors, should do the duties of the Board. If the machinery of the system were once set agoing, that perhaps might be sufficient; but at the beginning of a new state of things like this the Secretary of State would be utterly powerless. It appeared to him that for the first five years at least it would be better to carry on the system with one or two paid members and paid inspectors than to put it under the management of the Home Secretary, who would be compelled to take advice from the Lord Advocate or other unacknowledged authority in carrying out the provisions of the Act. One or two questions had been asked relative to the Report of the Commission. All he had to say was that a copy of the Report had been sent to every sheriff in Scotland; and when answers were returned from those sheriffs then they would be able to judge of both sides. With regard to the Orkney case, he had sent for the papers relating to it, and had made every inquiry to get at the truth of the matter. It turned out that the unfortunate woman had gone into the hospital in Edinburgh with her ribs broken, that he had been unable to discover the slightest trace of any violence being exercised towards her by those who had charge of her from the time of her leaving Orkney to the time of her arrival at Edinburgh. She was removed in a state of complete mania, and no doubt in that state she met with the severe injuries which had been described, but whether by any undue roughness on the part of her attendants he had not been able to inform himself. He did not think it desirable to go back two years and institute a suit for penalties when there was so much more important work to be done. The Bill could not be called hasty legislation, for it was very much needed, and he hoped the House would consent to give it a second reading.

Mr. E. ELLICE (St. Andrews).—What is to be done with the pauper lunatics in the meantime?

The LORD ADVOCATE: Of course, until there were places to send them to they could not be sent anywhere. The hon. Gentleman had suggested that their allowances should be increased, but that could only be done by the Board of Supervision. He had sat frequently on this Board, and he knew that three or four hours a week were occupied in considering applications for increased allowances. No part of the duty of the Board was discharged more ably than this. There was an idea that the allowances generally were a great deal too low, but he should be very sorry to commit himself to that opinion. The habits and condition of the lower orders in Scotland were matters which must be taken into consideration, and it was vain to think of importing from the south ideas and opinions which were entirely foreign to Scotland. Great credit was due in this matter to the Head of the Board of Supervision, who had applied, with great advantage, his intimate knowledge of his fellow countrymen to this subject.

Mr. BLACK said, he had sat on the Board of Supervision as an *ex officio* member, and at no board with which he had ever been connected was the business better conducted. In regard to the question of allowances it was quite true, as the Lord Advocate had stated, that the habits of the people must be considered. What was given to the paupers in some of the counties in England would be looked upon as perfect luxury by many of the labouring classes of Scotland. If there was English diet in the Scotch workhouses he was afraid there would be no small competition to get a place on the pauper roll. Since the Board of Supervision had been appointed the poor assessment had been increased 50 per cent.

Mr. COWAN said, he must deny the statement of the hon. Member for West Surrey, that the former measure on this subject had been defeated by a meeting of the Scotch Members. He hoped that the attempt of the learned Lord to remedy a state of things which was disgraceful to Scotland would be successful; and although he had been requested to present a petition, signed by the Lord Provost, and magistrates of Edinburgh, seeking for delay, he did not like to incur that responsibility, and would therefore support the second reading.

Bill read 2°, and *committed* for *Thursday* next, at Twelve o'clock.

FRAUDULENT TRUSTEES, &c., BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 3 *agreed to.*

Clause 4.

Mr. E. C. EGERTON said, he rose to move, in line 5, after "property," to insert "or being entrusted with any property of any description for the purpose of performing, or causing to be performed, any work or labour upon or in respect of the same." His object in proposing this Amendment was to render persons liable to punishment, under the Bill, who fraudulently appropriated materials, which had been furnished to them for the purpose of being worked up into marketable goods. In the town of Macclesfield, which he had the honour to represent, a large quantity of raw silk was entrusted to persons called throwsters, and it frequently happened that it was disposed of in the manner he had mentioned. At present the only remedy in such a case was a civil action, and he thought it desirable to remove this anomaly.

Mr. AYRTON remarked, that he thought there were provisions in various Acts of Parliament under which such cases might be dealt with summarily.

Mr. E. C. EGERTON said, there was no Act applicable to the silk trade, though there was one, he believed, applicable to the hosiery trade. As regarded the former, many cases had been brought before the magistrates, who had expressed their regret that they had no jurisdiction.

Mr. CHEETHAM observed, that he also could bear out the statement that the law did not at present meet the case which had been mentioned.

Mr. HADFIELD said, he hoped the Attorney General would adopt the Amendment, for the sake of the town of Sheffield.

The ATTORNEY GENERAL had not the least objection to include the cases which had been mentioned, attempts having been made to prosecute parties for the offences referred to on several occasions and those attempts having failed. His fear was, that the words proposed, would do a good deal more than was contemplated, and on that point he thought there was great force in the remark of his hon. and learned Friend the Member for the Tower Hamlets (Mr. Ayrton). The words "being entrusted with any property of any description," though no doubt meant to apply to materials partially manufactured, would include common larcenies. If he gave a tailor cloth to make a coat, and if the tailor appropriated this cloth to his own use, the result of adopting the Amendment as it stood might be to exempt the tailor from the ordinary punishment of larceny. It would, perhaps, be better that the words "raw materials," for the word "property" in the Amendment. Not wishing, however, to retire from the promise which he had virtually given, he would suggest that the best course would be to postpone the Amendment till the bringing up of the Report, prior to which a happier and more efficacious form of words might be devised.

MR. PAGET said, it appeared to him that the Amendment proposed by the Attorney General would not meet the requirements of the case, inasmuch as wrought silk, which was one of the articles thus fraudulently appropriated, could not properly be called a "raw material."

MR. HASSARD said, that he was equally anxious that muslin given out to be sprigged, as was commonly done in Ireland, should not be excluded from this Enactment.

MR. BAINES remarked, that he thought that the words in this clause, coupled with those in the interpretation clause defining "property" to mean every description of personal property, would be amply sufficient to secure all the objects which hon. Members were anxious to obtain. If upon consideration it were found that this was not the case, words might be introduced upon the Report which would put the matter beyond doubt.

MR. E. C. EGERTON said, that his own belief was that the words of the clause were quite sufficient, but in moving the Amendment he had yielded to a strong desire entertained by the manufacturers that this matter should be made the subject of a special clause. At present he would withdraw his Amendment, but if upon reflection and communication with those interested in manufactures he found that the clause, as it stood, was not sufficient, he would avail himself of the offer made by his hon. and learned Friend the Attorney General, and would remind him of his promise to insert, on bringing up the Report, such words as would meet their wishes.

MR. HADFIELD remarked, that he was not at all satisfied that the clause would, as it stood, include these cases.

Amendment, by leave, *withdrawn*, clause *agreed to*, as was also Clause 5.

Clause 6. (Penalty for the keeping of fraudulent accounts).

MR. SPOONER said, he wished to ask for an explanation of the words "otherwise than in payment of a just debt or demand."

THE ATTORNEY GENERAL said, it had unfortunately been found in the case of certain companies that directors took sums of money out of the bank, without authority, in the guise of loans. The Bill therefore provided that if a director received money from the bank or company, and did not enter it in the books, he would be liable to punishment for fraud. It was thought necessary, however, to exempt from the operation of the provision persons who should have taken the money in payment of a debt; and it was for the purpose of effecting that object that the words to which the hon. Gentleman referred had been introduced.

MR. SPOONER said, he thought that if a director paid himself what was due to him from the company without entering the payment in the books, such a proceeding ought to be treated as a fraud. Otherwise the debt would still remain on the face of the books, and he might claim it again from the company.

THE ATTORNEY GENERAL said, that the irregularity supposed by the hon. Gentleman, although, no doubt, very reprehensible, did not come within the same category as those fraudulent appropriations of the property of other persons against which this Bill was directed.

MR. AYRTON observed, that the fraud in the hypothetical case put by the hon. Member would not be in omitting to enter the repayment, but in taking the money a second time.

Clause *agreed to*, as were also Clauses 7 and 8.

Clause 9. (Punishment for a misdemeanour under this Act).

MR. HADFIELD remarked, that seven years' penal servitude was a very heavy punishment to inflict upon a trustee. Prudent men, as the law now stood, objected strongly to act as trustees; and care ought to be taken in legislating on such a subject not to deter honourable men from accepting such an office. If a stringent Act like this was adopted to punish fraudulent trustees, a countervailing measure ought, on the other hand, to be passed to protect honest trustees from the risks and losses to which they were constantly exposed. He understood, indeed, that a Bill had been introduced into the other House for the latter object; but he did not think it was being pressed forward with sufficient vigor.

THE ATTORNEY GENERAL said, that he was willing to admit the importance of the subject stated by the hon. Member; but the question of an alteration in the law which pressed heavily upon trustees in a civil sense had engaged the attention of a noble and learned Lord in another place, and the Bill on the subject to which reference had been made would probably come down to that House in time to receive due consideration. With regard to the clause immediately under discussion he was desirous of making two or three Amendments in it. Since the clause was framed, Parliament had made a material alteration in the terms of penal servitude. The shortest of those terms, at the time when this Bill was originally drawn, was seven years. It had now been reduced to three years. He had deemed it expedient to introduce this species of punishment into a measure of this kind, and yet he had felt that seven years would probably be too severe a term for such a class of delinquents. In the French and American codes, the punishment was limited to two or three years' imprisonment. The Committee would agree with him that it was desirable to retain the punishment of penal servitude, and he proposed to alter the clause as follows:—

> "To be kept in penal servitude for the term of three years, or to suffer such other punishment by fine or imprisonment for not more than two years, with or without hard labour, as the court shall award."

The *maximum* term of penal servitude would thus be three years, but there would be some minor offences which would be punishable by fine, some other offences which would be punishable by simple imprisonment not exceeding two years, and in the worst cases there might be the addition of hard labour.

Mr. G. HADFIELD observed, that he still thought the clause too severe, and hoped the case of honest trustees would have the consideration of the Government.

Clause, as amended, *agreed to*.

Clause 10. (Nothing in the Bill shall exempt any person from answering any questions in any court, but that no evidence given by such person shall be admissible against him in any prosecution under the Act).

Mr. BUTT said, he had a strong objection to this clause as an infringement of the principle of law that no man was bound to criminate himself. An innocent trustee might be subject to an accusation under this Act, and it was most improper to expose a person to a species of legal inquisition or torture to extort a confession and self-crimination. Nor did the proviso altogether remove his objection, because, although a person's answer was not to be admissible in evidence against him, it might supply the links of evidence that might convict him in a court of law. At a future stage of the Bill he should take the sense of the House on this clause.

Mr. AYRTON said, he also would support the objection to the clause. It was an ancient principle of English law that a party should not be compelled to criminate himself. Even in the exceptional cases in which such disclosures were required it was carefully provided that the party should not be subject to prosecution. This would be the first statute which wholly departed from this old established principle of law.

The ATTORNEY GENERAL said, the clause in question was absolutely essential, and its omission would render the Bill nugatory; for, otherwise, if a Bill were brought in Equity, any fraudulent trustee might protect himself from discovery on the plea of liability to criminal prosecution; he would have nothing to do but to say, "I might be brought within the provisions of the Fraudulent Trustees' Act, and I will close my mouth and will not say one word." In the Banker's Act, under which Paul and Strahan were convicted, it was attempted to raise such an exemption, but, happily, without success. The effect of the clause was simply to preserve the civil remedy. The principle of common law was simply that a confession of a party should not be used in a criminal proceeding.

Mr. BUTT said, the principle of law was quite the reverse. There was no objection to the use of a confession, but the objection was to the extortion of it; and every day's experience attested that this was the principle of our law, for any witness could protect himself from answering a question on the score of self-crimination. Now this clause broke in upon that principle, and would enable parties to subject a trustee to inquisition, by which to extort admissions which might ground a criminal prosecution. Could the Attorney General cite any statute which was a precedent for such a provision?

Mr. BAINES maintained that the clause was calculated in no degree to introduce a new principle into our legislation. It was quite true that, in accordance with the rules of the common law, a man who happened to be called as a witness in a court of justice, in a case of burglary, for instance, was not bound to give an answer which might afterwards be used as evidence to convict him of participation in the offence. Now, the clause under discussion, on the other hand, provided that no person should be entitled to refuse to answer any question in a civil proceeding in a court of equity, and his hon. and learned Friend (the Attorney General) had very properly introduced that provision into the Bill, because, if he had not done so, parties would constantly decline to give the necessary information to the Court of Chancery, upon the plea that to do so would necessarily involve a liability to conviction upon a criminal prosecution. But, while his hon. and learned Friend had taken that course, he had furnished an ample safeguard against any dangerous consequences which might be supposed to result from its adoption, inasmuch as the clause set forth that no answer given by a person in a suit in equity should be admissible against him in any proceeding under the Act.

MR. MALINS said, that he concurred in the interpretation which had been put upon the clause by the right hon. Gentleman who had just spoken, and that in order to facilitate the ends of justice it was highly expedient the clause should be retained in the Bill. In illustration of his meaning he might state that he had been the day before engaged in a case in which, after the death of his two co-trustees, the surviving trustee had appropriated trust money to the amount of £1,500 to his own use. When the case came before a court of equity he had been asked if he had done so, and he had in answer admitted the appropriation, thus saving the court all further trouble in proving the offence. If, then, the clause under discussion were omitted from the Bill, the administration of justice, instead of being facilitated, would be impeded under its operation. Moreover, the present clause, while it preserved the civil remedy, provided that the disclosures obtained in the civil suit should not be used in a criminal procedure.

MR. BUTT said, he must renew his protest against the principle involved in the clause, on the ground that what to-day was only an experiment might to-morrow become a dangerous precedent.

MR. COLLIER said, the rule of law was that a man was protected from answering a question, the answer to which would be evidence against him in a criminal prosecution; this clause, however, provided that the admission should not be evidence in a criminal prosecution.

Clause *agreed to.*

Clause 11.

MR. CAIRNS said, he wished to direct the attention of the Committee to the case of a trustee who wilfully or through neglect had misappropriated the money committed to his charge, and had been called upon by the parties interested in the matter to make good the deficiency which his violation of trust had occasioned. Now, in that case the trustee might, through his own exertions or those of his friends, be enabled to replace the money; but then there was a rule of law which set forth that in the case in which to compromise any transaction might be an indictable offence, such compromise was itself invalid, and the party was not entitled to the benefit of it. Let him suppose, for instance, that a trustee wilfully misappropriated a sum of £1,000 in violation of the provisions of the Bill under their notice. It might be that he was willing to restore the money, or to compromise by a promise of future payment upon security. Now, the object of the Bill was to protect persons beneficially interested in trust property, and any provision which tended to invalidate such a compromise would be injurious rather than advantageous to them, and he therefore proposed to add to the clause the words—

> "And nothing in this Act contained shall affect or prejudice any agreement entered into or security given by any trustee, having for its object the restoration or repayment of any trust property misappropriated."

THE ATTORNEY GENERAL said, that if he were convinced of the necessity of such a proviso he should prefer one more specifically expressed and accurately worded. Inasmuch, however, as he did not see the necessity for such a proviso, and as the words, if introduced, would be perfectly innocuous, he should not object to their insertion in the clause.

Words inserted; clause *agreed to.*

Clause 12.

MR. CAIRNS said, he proposed to amend this clause, so that it should stand as follows:—

> "No proceeding or prosecution for any offence included in the first section of this Act shall be commenced or carried on otherwise than in the manner hereinafter mentioned (that is to say)—1. If in any civil proceeding against a trustee, or if in any proceeding under the bankruptcy of any person being a trustee, it shall appear to the Court or Judge before whom such proceeding shall be pending that there is reasonable and probable cause for a criminal prosecution against such trustee under this Act, it shall be lawful for such Court or Judge to make an order sanctioning such prosecution. 2. Such order sanctioning a prosecution may be made at any stage of the proceeding pending before such Court or Judge, and may be obtained upon motion or petition in a summary way. 3. If the Court or Judge, on an application being made to sanction such prosecution, shall be of opinion that the trustee should

be held to bail until either such sanction shall be refused or until a warrant for the arrest of such trustee shall be issued in due course of law, it shall be lawful for the Court or Judge to direct a writ or writs of *ne exeat regno* to issue against the trustee, marked for such sum as the Court or Judge shall think fit, not exceeding the estimated value of the property alleged to have been misappropriated; and such writ or writs of *ne exeat regno* shall thereupon be issued and executed, and shall be returnable in the usual manner, provided that the Court or Judge shall have power to require from the person applying for any such writ security to answer any damages in case it shall be found that such writ was improperly obtained."

It was quite possible, as the Bill stood, that a plausible charge might be brought against a trustee; and although he might be in no danger of being convicted, yet the odium of having been indicted for a criminal offence would remain, and the imputation of dishonesty might deeply injure him. A man, for instance, might consent to become a trustee on a marriage, and afterwards, in the natural course of events, children might grow up; estrangements might take place, and it might become the interest of some member of the family to annoy the trustee. Nothing would be more easy in such a case than to get up a case against him, and on an *ex-parte* statement to procure his indictment, and thus the stigma would remain against the man all his life, that he had been indicted at the Old Bailey. The Attorney General himself felt that there should be some protection against such a contingency, and the only question was what it should be. His hon. and learned Friend proposed that before an indictment was brought against a trustee, the consent of the Attorney General, or some Judge in equity, must be obtained. Now, with regard to the first check, the duties of the Attorney General were already so onerous that he would not have time to investigate the cases which might be brought before him, and which would rest upon an *ex parte* statement alone. Again, an equity Judge, if asked to determine upon an *ex parte* statement, would consider it a most obnoxious duty, and would refuse in any case to grant his consent. The expedient which he proposed was a simple one. It was to give the Judge the power of hearing both sides in the most simple, inexpensive, and summary manner, and of then determining where civil responsibility ended and where criminal liability began. In order, also, to avoid the chance of a person absconding, he would give the Judge the power upon affidavit, which afforded a reasonable ground of suspicion of intent to do so, of granting a writ of *ne exeat regno*.

Mr. BOWYER said, the Amendment appeared to him to be an important improvement in the Bill, because it afforded some security to trustees against the species of danger and vexatious proceedings pointed out by his hon. and learned Friend the Member for Belfast. As the Bill at present stood, he believed it would be impossible in nine cases out of ten to find any persons to act as trustees, and it would then become necessary to assimilate the law to that of other countries, and enable property to be dealt with without the intervention of trustees. The law now imposed upon persons who filled this thankless office more responsibility and required from them a greater degree of skill, exactness, and care than from any other class of persons. As a general rule, everything which a trustee did not according to the rules of a court of equity constituted a breach of trust, and anything he omitted to do which equity said he ought to do was also a breach of trust. As to what these rules were, the most skilful practitioners and the most learned judges differed, and therefore there was quite enough at present to deter people from acting as trustees; but if there were added to these burdens the dangers of a criminal prosecution, he repeated that it would be most difficult to find persons to perform these functions. The Bill at present exposed a trustee upon an *ex parte* statement, perhaps craftily and wickedly devised, to the preliminaries of a criminal prosecution, and a slur would be cast upon his character, even if he subsequently proved his innocence. Against this danger the clause of his hon. and learned Friend would, to some extent, and with certain amendments, guard, and thus tend to mitigate the disinclination which persons would naturally feel to take upon themselves this delicate office. If in the course of any civil proceedings against a trustee it appeared to the Court that that person had so misbehaved himself that the case was inadequately dealt with by these civil proceedings, the Court in such a case ought to have the option of directing a prosecution against the trustee. This was the true remedy to be provided. No step beyond this should be taken, lest prudent men should be deterred altogether from accepting responsibilities which even now were felt to be too heavy.

Mr. COLLIER said, that the effect of the Amendment would be that no criminal prosecution could be instituted against a fraudulent trustee without a previous suit in Chancery, and it appeared to him that a provision of that sort would almost destroy the efficacy of the Bill, which had been brought forward in a great measure for the benefit of the poorer classes. In his opinion a fraudulent trustee was as great a criminal as the man who picked a pocket. But, he would ask, what necessity was there to make the Court of Chancery the vestibule to the Old Bailey? He thought that the clause proposed by the Attorney General was quite sufficient for the protection of trustees, as he considered it to be more in accordance with the principles of jurisprudence in such cases, if trustees were to be protected, that no criminal proceeding should be instituted against them without the sanction of a high law officer of the Crown or of one of the Judges, than that there should be of necessity a suit in Chancery in the first instance.

MR. CAIRNS said, that the hon. and learned Gentleman, who had no doubt a great horror of Chancery proceedings, had entirely misunderstood the effect of the Amendment. All that the Amendment required was that, if there had not been a suit in Chancery, a suit should be instituted. ["Hear, hear," from Mr. COLLIER.] But instituting a suit was the simplest thing in the world; it was merely placing upon a file a piece of paper called a claim, consisting of only a few lines of writing, and, having done that, the suitor could go the same hour to the Judge, tell him his complaint, and state that, in his opinion, there ought to be a criminal proceeding as well as a civil remedy. That done, the great advantage of the Amendment became apparent, because the Judge would then have the power of at once calling the other party before him, which no Judge could do unless a suit were instituted. No expense and no delay would result from the adoption of the Amendment, and the only difference between his proposition and that of the Attorney General was, that the one proposed that the Judge should act upon an *ex parte* statement, while the other provided that both sides should be heard.

SIR FITZROY KELLY said, he thought that some objection might be taken both to the clause as it stood and to the Amendment of his hon. and learned Friend the Member for Belfast. The objection to the clause, and a very sound and reasonable objection it was, was that a trustee might have a prosecution entered and a true Bill found against him without ever having had an opportunity of being heard before a Judge. It appeared to him that a very slight Amendment in the clause of the Attorney General would remedy the difficulty. The clause as it stood provided that no prosecution should be instituted except with the consent of a Judge of one of the superior courts or of the Attorney General; but upon that consent being obtained, a Bill might be presented to a grand jury *ex parte*, and a trustee might thereupon find himself unawares made the defendant in a criminal prosecution. A new class of offences hitherto unknown to the law were created by the Bill, and trustees, whether belonging to the upper or middle classes, might fairly demand the satisfaction of having their cases sifted before they were exposed to a criminal prosecution. He would suggest, therefore, in order to remedy the inconvenience referred to, that before a prosecution should be sanctioned, the trustee should be summoned before a Judge, or before the Attorney General, as the case might be, and heard in his defence. He would, moreover, go so far as to say that it ought to be in the power of every Judge of a civil court, either a court of equity, a court of common law, or a court of bankruptcy, and that not merely in suits instituted against trustees, but in the course of any proceedings whatever in which it should appear to the Judge that a trustee had been guilty of a fraud or crime which would bring him within the operation of this Act, to order a prosecution. But then he would add that the prosecution ought not to be authorized unless the trustee in question was made a party to the suit, and had ample opportunity afforded to him of knowing all the accusations against him. He must confess it seemed to him that the clause and the Amendment of his hon. and learned Friend might be very well blended together.

THE ATTORNEY GENERAL said, he was willing to allow that the clause was not perfect; still it was to be preferred to the Amendment of his hon. and learned Friend. As to whether the Judge or the Attorney General should call the other side before him, that he thought might well be left to his discretion. They could scarcely imagine that, unless a *primâ facie* case were shown, the prosecution would be ordered to issue. He (the Attorney General) objected to the trustee being allowed an opportunity to meet the charge before the Judge in chambers, for the only effect of a summons under such circumstances, if the party implicated were guilty, would be to warn him to take flight with more alacrity than he at first intended. His hon. and learned Friend said that the Judge should have the power of directing a prosecution. That was the law as it now stood. Every Judge before whom it should appear that a crime had been committed might direct a prosecution. But the clause in question did more—it enabled the Judge to be appealed to, and empowered him to order the prosecution to issue at once. He would now deal with the objections to the clause as it stood; and, in the first place he would say that he should have been glad not to have had this clause in the Bill, but it had been introduced to meet the apprehensions of some hon. Gentlemen of the inconvenience that might occur if some check was not established. But he confessed that he did not at all participate in such apprehensions. Hon. Members mistook altogether the things that did frighten, and justly frighten trustees. The honest and well-meaning man was intimidated by those pitfalls which were presented by the present state of the law. Trustees were frightened because there were too many technical rules. But it could not be seriously said that the Gentlemen of England would be deterred from accepting offices of this kind because there were enactments which punished dishonesty and crime. It had been objected, however, to the clause that it gave too much power to the Attorney General; but were not his hon. Friends opposite aware that powers of an analogous character were exercised by him at the present moment, and that scarcely a day passed without his being called upon to sanction the initiation of criminal proceedings? and, speaking for himself, he would say that he had no fear of not being able to make the investigations which the hon. and learned Gentleman thought would entail so heavy an additional burden upon him. If, however, he could accomplish that, which perhaps it was too late to attempt this Session, but which he hoped would yet form part of a great legal measure—namely, the establishment of a public prosecutor—a great part of the machinery of this Bill would be unnecessary. There were many points connected with an investigation of this kind which could not be adequately dealt with by the police magistrates, intelligent as they were, and therefore he had thought it desirable to give a power to some judicial officer to institute a preliminary investigation, in order to ascertain whether there was a *corpus delicti* under the Act. This would be a sufficient check, a sufficient safeguard, and a sufficient preliminary inquiry to prevent the process under the Act becoming liable to abuse, and yet to render it so quick and ready that only a few hours should elapse between the application and receiving a sanction to proceed. He admitted that the application would be *ex parte*, but it must be made to a Judge in chambers or to the Attorney General, who were always accessible. He would now come to the suggestions of his hon. and learned Friend the Member for Belfast (Mr. Cairns). Let him take the first and second parts of the clause; they provided that there must be some civil proceeding pending; and that it must be made to appear to the Judge before whom the proceedings were going on that there was sufficient cause for a prosecution. Now, such cause could only appear to the Judge after the evidence had been taken, after the defendant had been heard, and when it became the duty of the court to pronounce judgment. Judges would put a strict construction upon this clause; they would approach the discharge of the duty imposed upon them with great unwillingness; they would act with extreme caution, and he might even say reluctance. A Judge, putting a strict construction upon the clause, would say, "I cannot declare that it appears to me there is reasonable and probable cause for a criminal prosecution until the case has been regularly heard, and until the defendant has had a full opportunity of explaining his conduct." The result would be to make the whole Bill a mere farce, for a man against whom a judicial decision had passed would take care not to remain in the country until criminal proceedings could be taken against him. This would render the whole proceedings nugatory, and would also be most objectionable on every principle of criminal law; for if a Judge should, after such a preliminary discussion, think fit to direct a criminal prosecution of the trustee, would any one tell him that the trustee could then have a fair trial before any jury of this country? With regard to the third part of the clause proposed by his hon. and learned Friend, the full extent of the frauds committed by a trustee might not be at once discovered. It might be supposed that he had fraudulently appropriated to his own use £50, £100, or £150; while, in fact, he might have misappropriated as many thousands. The effect of the writ of *ne exeat regno* would simply be that the defaulting trustee would be required to give bail for the small amount of his discovered frauds mentioned in the writ, and would then be enabled to fly from the country and avoid the consequences of his crime. He (the Attorney General) therefore maintained that the mode of proceeding proposed by the Bill was infinitely more efficacious than that which his hon. and learned Friend wished to substitute, and he hoped it would be sanctioned by the Committee.

SIR FITZROY KELLY said, he only wished to guard himself against a misapprehension of the suggestion he had made to the Attorney General. He entirely concurred with him in thinking that there would be danger of the parties escaping from an indictment for misdemeanour under the Act unless they were apprehended immediately. His desire was that a Judge or the Attorney General should be enabled, if there appeared reasonable grounds to believe that a trustee was about to abscond, at once to issue a warrant for his apprehension, but to allow him to show cause against the accusation. Considering, however, the extensive scope of this Bill—that it applied to every one, from the highest nobleman to the humblest individual in the land who might be a trustee, he was anxious to provide that a person so charged and apprehended under warrant should have an opportunity of going before the Attorney General or a Judge to make such preliminary defence or application as might be proper under the circumstances, before being at once committed to prison.

THE ATTORNEY GENERAL said, he would consider whether some words to carry out the views of his hon. and learned Friend could not be introduced into the Bill before bringing up the Report.

MR. ROLT said, he was surprised to hear from his hon. and learned Friend the Attorney General that this clause had been introduced into the Bill to meet the apprehensions entertained by other persons, and that it did not gain his approval. He should have thought that would obviously have been part of the scheme of his hon. and learned Friend, when he was introducing a new code of criminal law in respect to breaches of trust, to protect the innocent trustee as well as to punish the guilty one. He (Mr. Rolt) contended that the relation in which a trustee stood to his *cestuique* trust was wholly different from that which obtained between man and man in any of the ordinary transactions of life. All mercantile transactions between men, generally speaking, were simple, short in duration, and easy of solution compared with the relation subsisting between a trustee and his *cestuique* trust, spreading, as the latter often did, over a whole life, and generating in some cases feelings of respect and in others of animosity. Then, again, in mercantile life men entered into transactions for the sake of their own profit; but it was different in the other case, and there would be great difficulty in finding persons to take upon them the relation of trustees if, while the Legislature provided a punishment for the guilty trustee, it did not protect the innocent trustee from malicious prosecutions.

THE ATTORNEY GENERAL explained that what he said was that he had not introduced this clause because he deemed it necessary to allay the apprehensions that persons would feel on becoming trustees, but because it was necessary to have persons better competent to judge of the nature of the fraud than in ordinary cases.

MR. ROLT: The explanation of the hon. and learned Attorney General seemed to approve the view he (Mr. Rolt) took, that it was necessary to shield the innocent trustee from malicious prosecutions, while provision was made for the punishment of the guilty one. At all events, he submitted that the Amendment of his hon. and learned Friend (Mr. Cairns) was undoubtedly to be preferred to the clause as it stood originally, inasmuch as in cases where a hostile feeling arose between a trustee and the *cestuique* trust, it was more likely to meet the justice of the case. The essential difference between the two was, that the clause of the Attorney General proceeded on an *ex parte* statement, and it would therefore impose so great a responsibility upon the Judge or the Attorney General that it could not be acted upon, and, in consequence of that, the object of the clause would be virtually abandoned. The Amendment of his hon. and learned Friend the Member for Belfast, on the contrary, hit upon a happy medium, as by it the inquiry might be instituted in any civil proceeding, and at any stage of it, a circumstance which seemed to have escaped the notice both of the Attorney General and of the hon. and learned Member for

Plymouth (Mr. Collier). It might be *ex parte*, but the Judge would in that case hold the trustee to bail, and thus give him an opportunity of being heard before the prosecution was instituted; while at the same time it would prevent a guilty trustee from escaping from the jurisdiction of the court.

THE SOLICITOR GENERAL said, after the statement of his hon. and learned Friend the Attorney General, he could not understand the object of his hon. and learned Friend the Member for Belfast in persisting with his Amendment, and the less so as there was so much identity between it and the proposition of the Attorney General. The clause as it stood provided for both cases, that of *ex parte* proceedings, and of the hearing of the party, leaving the question as to which should be adopted at the discretion of the Judge. What, then, was the meaning of the Amendment? It would not leave the Judge any discretion in the matter. But was his hon. and learned Friend the Member for Belfast prepared to say that there was no case in which the Judge ought not to proceed *ex parte?* Surely it must be admitted that for the furtherance of justice there were cases in which it would be absolutely necessary to proceed *ex parte*. He granted that if the person to be proceeded against were a man of status he might be summoned; but for one such case there were a thousand cases of dishonest trustees who wished to escape. He could not conceive that any object would be accomplished by the Amendment which was not duly accomplished by the clause of the Attorney General.

MR. HENLEY said, he understood the object of the clause to be to give some protection to a trustee against malicious prosecutions, but he believed that unless the defendant were heard it would prejudice him rather than protect him. If these cases were so complicated that greater ability was necessary than the ability of a stipendiary magistrate to decide whether the status of trustee existed or not, he thought it quite possible that some deed might be suppressed, or a state of things represented which admitted of a complete and immediate answer. Upon charges of forgery and murder, it could hardly be said that any *ex parte* proceedings were taken, and the power of going before a grand jury and preferring a Bill of indictment behind a man's back was viewed with considerable disfavour, because of its liability to abuse. It was quite possible under this Bill that one case might be taken before the Attorney General and another before the grand jury. There was not a tittle in the clause to insure the defendant having any knowledge of what was alleged against him. He thought the requiring a suit to be first instituted unnecessary, as in many of the worst cases, the only object would be punishment. If the Government gave an assurance that they would introduce words to secure the party being heard, he should prefer the clause to the one proposed in substitution of it. If the defendant were not heard, he would go before the grand jury with the weight of the Government official unfairly pressing against him; but if he were heard, he would stand in the same position as a defendant before a magistrate, and might exercise his own discretion whether he would say anything or not in his defence.

THE ATTORNEY GENERAL said, he would give his right hon. Friend the assurance that words should be added to the clause, giving the Judge or the Attorney General, and more particularly the Judge, power to summon the party, and in fact indicating generally that the party ought to be summoned, though he could not carry it to the extent of making it imperative. He would gladly do so if the Judge had power to commit, but he was afraid there was great difficulty in that. If the Judge had the power to commit, he would be in the situation of a committing magistrate, and the party would be summoned before him, which he thought infinitely better. That was his object, and he had so framed the clause; but on consulting the Judges, he found there was an objection to exercise the power. When the Report was brought up, he would introduce an Amendment to the effect he had stated.

MR. CAIRNS said, that after the assurance of the hon. and learned Gentleman (the Attorney General) he need give the Committee no further trouble, the object of his Amendment having been directed solely to giving a due amount of protection to the trustee, and affording him an opportunity of being heard in his defence. He would, therefore, with the permission of the Committee, withdraw his Amendment. At the same time he would suggest, whether it would not make the machinery more complete if they added a power of issuing a writ of *ne exeat regno* in those cases in which some step was required to be taken at once?

Amendment, by leave, *withdrawn.*

MR. AYRTON objected to this power being placed in the hands of the Attorney General. He thought that these cases had much better be left to the ordinary tribunals of justice. He hoped that the Attorney General would strike out this provision.

Clause *agreed to.*

Clauses 13 to 16 were also *agreed to.*

Clause 17.

MR. E. C. EGERTON moved, after the words "personal property," to insert the words "goods, materials."

Clause, as amended, *agreed to;* as were also the remaining clauses of the Bill.

House resumed.

Bill *reported;* as amended, to be considered on *Monday* next.

COURT OF SESSION (SCOTLAND) BILL.

SECOND READING.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. BLACK said, that he felt several objections to this Bill, which would operate prejudicially to the interests of suitors. It had been condemned by the Society of Writers to the Signet and by the Society of Solicitors in the Supreme Courts. Its main object was to empower the Lord President to transfer causes from the first to the second division of the Court of Session. The plea was, that the first division was overwhelmed with business. He maintained, however, that by sitting three weeks or a month beyond its usual time the first division could easily get rid of its arrears. The suitors in the Court of Session had enjoyed the privilege of choosing the Judge by whom their causes should be tried for a long series of years, and it had been found exceedingly beneficial. He moved that the Bill be read a second time that day three months.

MR. BUCHANAN seconded the Amendment.

Amendment proposed, "To leave out the word 'now,' and at the end of the Question to add the words 'upon this day three months.'"

Question proposed, "That the word 'now' stand part of the Question."

THE LORD ADVOCATE said, he felt strongly the necessity of some measure of this kind. It was intended to remedy a state of things which had been found to act prejudicially in Scotland, and the Society of Solicitors were in favour of it. It was said that it would deprive the suitors of their right. It would deprive the pursuer of a right which he never possessed before 1838. In that year an absolute right of choice between the Judges was given to pursuers—a most injurious step; for, however able the Judges, one would always be more popular than the other. The consequence was, that one court fell into arrear, while the other, the less popular Judge, became languid from want of employment. The option presented by the three common law courts of England was not at all a parallel case. The Court of Session now presented this spectacle:—That in 1856 there was 236 causes ready for trial in the first division, and 37 in the other. The remedies he proposed were, to take away from the court certain summary business; and with regard to the other, to give the Lord President a power of distribution, similar to that exercised in the English Court of Chancery by the Lord Chancellor. The right of choice in the suitor was unfounded in principle; there was no reason why the pursuer should have a choice of courts rather than the defender, and he considered that all Judges should be equal to their duties, in which case the public interests would be burthened by a rapid despatch of business by means of a just distribution of labour. He, therefore, hoped the Bill would be read a second time, and in Committee he should be prepared to listen to Amendments.

MR. CRAUFURD said, that while admitting that some change was necessary in the Court of Session, he doubted whether the remedy proposed was the correct one. The allocation of causes in Chancery was made by the Lord Chancellor, as Superior Judge, to whom an appeal lay from the decisions of the Vice Chancellors. In Scotland there was no appeal from the decisions of the Court of Session, except to the House of Lords. He would suggest that the two divisions should be fused into one court for the purpose of hearing appeals from each division. This was similar to what was done with the law courts here. He doubted the propriety of giving to the Lord President, the popular Judge, the right of distributing causes to the other court. A suitor who wished his cause to be tried by the Lord President, finding it sent before another court, might prefer to withdraw it. To obviate the objection arising from the pursuer having the power of choosing his court, he would give the defendant power to remove the cause on reasons being shown for it.

Mr. BLACKBURN said, the Bill was very unpopular in Scotland. It was a measure promoted by the Judges, but he believed that if they had done the extra work that was expected of them, when many years ago they received extra pay, the accumulation of business now complained of would not have taken place. He hoped the Bill would be withdrawn. It was not a case of urgency, as was shown by the absence of petitions in favour of the Bill.

Mr. DUNLOP said, the Bill was brought forward for the sake of the public and the suitors, with the view of getting rid of the existing arrears of three or four years. The extended sittings referred to by the hon. Member might have kept down the accumulation now complained of, but would not have prevented it altogether. The Bill was in some respects open to objection, but he, nevertheless, hoped it would be read a second time.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Thursday* next at Twelve o'clock.

EDINBURGH, CANONGATE, AND MONTROSE ANNUITY TAX ABOLITION BILL.

LEAVE. FIRST READING.

The LORD ADVOCATE moved for leave to bring in a Bill to abolish the annuity tax levied within the city of Edinburgh, parish of Canongate, and burgh of Montrose, and to make provision for the payment of the stipends of the ministers thereof.

Mr. ELLICE (Coventry) thought that a Bill of this kind ought not to be introduced without explanation on the 10th of July, and when there was so much other business before the House. This was an old job, newly revived—an attempt in one guise or another to extract from the public funds the means of relieving the inhabitants of Edinburgh from a tax which they had paid from time immemorial for the stipends of certain clergymen within that city. A similar tax was levied in several parishes in London (which had been rebuilt after the great fire), in Coventry, and other parts of England; and if any exemption was given to the ratepayers of Scotland, the ratepayers of England would be entitled to the same consideration. No doubt the reason for bringing forward this measure was, because a Bill had been lately passed to relieve certain towns in Ireland from the payment of ministers' money. But it should be remembered that in Ireland the Established Church had a fund peculiarly applicable to the replacement of that impost. In Scotland, on the other hand, there was no such resource from which to provide a substitute for this tax, and they must therefore either come upon the public purse or upon some fund set apart by Parliament for another purpose. In the present state of public business the Bill ought at least to be postponed till another Session, when a general measure, dealing with all the analogous cases, might be introduced.

The LORD ADVOCATE hoped the right hon. Gentleman would not throw any obstacle in the way of the introduction of the Bill. No doubt it was an old grievance, but it was one which caused considerable heartburning to the inhabitants of Edinburgh, and which the noble Lord the Member for London, in 1851, the Earl of Derby, in 1852, and the Earl of Aberdeen, in 1853, had failed to settle. After the Bill for the abolition of ministers' money in Ireland had passed, the city of Edinburgh had applied to the Government to see if they would not consent to a Bill for the abolition of this tax, and it was now attempted to frame a measure not liable to the objections entertained to the former measures on the subject. It was proposed that the town of Edinburgh should pay to the Government £170,000 by yearly instalments of £13,000, and that it should take, not the whole, but a portion of the funds of the deans of the Chapel Royal, after endowing the chair of the Professor of Biblical Criticism out of them, and also a part of the sum paid by the North British Railway Company for Trinity College Church. Both of these proposals were part of the former Bills on the subject, but instead of taking the whole of the funds of the deans of the Chapel Royal, it was now proposed to take only a part.

Mr. BLACKBURN said, that the money paid by the North British Railway Company to the Town Council of Edinburgh was to be appropriated to the rebuilding of Trinity College Church; but that church had never been rebuilt, and now it was proposed to apply the money to relieve the inhabitants of Edinburgh of the annuity tax.

MR. BLACK agreed with the hon. Member that the money was intended for relieving the College Church, but the opinion of counsel was that all that the town council were required to do was to build a parish church or chapel. He was not of that opinion; but at the same time he did not think the money could be better applied than to relieving the inhabitants of the annuity tax, for no measure could be more advantageous to the Established Church.

Leave given.

Bill to abolish the Annuity Tax levied within the city of Edinburgh, parish of Canongate, and burgh of Montrose, and to make provision for the future payment of the stipends of the Ministers thereof, *ordered* to be brought in by the LORD ADVOCATE and Sir GEORGE GREY.

Bill *presented*, and read 1°, and referred to the Examiner of Petitions for Private Bills, and to be printed [Bill 116].

Leave given to the Examiner to sit and proceed forthwith.

House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, July 10, 1857.

MINUTES.] *Took the Oaths.*—The Earl of Mount Cashell.

PUBLIC BILLS.—1ª Registration of Long Leases (Scotland).

3ª Police (Scotland).

OATHS BILL.

SECOND READING.—NEGATIVED.

Order of the Day for the Second Reading read.

EARL GRANVILLE *moved*, "That the Oaths of Allegiance, Supremacy, and Abjuration be read by the Clerk."

The same accordingly read by the Clerk.

EARL GRANVILLE: I now venture to ask the indulgence of the House while I assign my reasons for requesting your Lordships to assent to the second reading of this Bill. At different times when it has been my duty to submit measures to your Lordships, I have felt some difficulty lest I should imperfectly state the objects of the measures I was about to propose. My difficulty to-night is of a different description; for the arguments which I shall have to urge in favour of this Bill cannot be of a very novel character, and I fear lest I should weary your Lordships in attempting the performance of a duty which has frequently been discharged most efficiently by others in this House—I will, however, endeavour to state them as briefly as possible. I feel also that some of your Lordships may think I am somewhat presumptuous, after your opinion has been previously given on a principal part of this measure, in again venturing to bring the subject under your consideration; but I trust that in the course of the observations I am about to make I shall be able to bring forward some reasons which may induce your Lordships to change your former opinion. I can only promise to go as speedily as possible over what is certainly a pretty well-trodden path. The object of this Bill is to amend the oaths which are now required to be taken by Members of both Houses of Parliament. All of your Lordship have so recently taken those oaths that it is unnecessary I should explain their nature. They have just been read by the Clerk at the table, and it is impossible to have heard them without being struck by their anomalous and incongruous character. The object of the Bill is to amend and simplify these oaths, and by so doing to remove some of the evils which, as we consider, at present exist. I have always believed—I trust it is not an unjust prejudice—that there is no nation which attaches greater importance than does our own to the sanctity of oaths, and that not merely as a matter of religious principle, but also as a question of feeling and good taste among the educated classes of this country, whom these oaths most particularly concern. I believe there is no country where so much horror and disgust are felt at anything like taking in vain the name of God; and I think it is impossible not to feel that you are taking in vain that holy name when you make the most solemn appeals with regard to things which are in themselves utterly useless and entirely ridiculous. I think it was Cicero who said he could not understand how two augurs could meet in the streets of Rome without laughing in one another's faces; and I can hardly conceive what would be the opinion of that great pagan if he could see the representatives of the people of this country in another place, and the hereditary legislators who possess seats in this House—the men who have gained their seats in this assembly by their administration of the law in the highest courts of the country, together with Christian Prelates, calling upon the name of that God to whom they ascribe such high and important attributes, to witness anything so puerile as their belief that the descendants of a family which does not exist have no right to the Crown of this realm; or, on the other hand, calling upon Protestants to declare that they do not hold a doctrine which I believe is denied by Catholics, who do not take the oath relating to such doctrine, although Protestants are obliged to go through this most ridiculous mummery. I really think it would be wasting your Lordships' time to dilate upon the very great objections to the three oaths which you are now called upon to take. Different attempts have been made on both sides of this House to amend the oaths, and although those oaths have not been amended, no one has ventured to assert, in his place in Parliament, that he thinks there is anything in them which renders it desirable that they should be retained in their present form. Some of our Parliamentary usages, such as the mode in which the Sovereign gives her assent to Bills which have been sanctioned by Parliament, are of an anomalous and almost ridiculous character, but in them an unbroken antiquity is preserved, and there is a sort of tacit homage to our institutions in maintaining them, which I believe your Lordships and others would be most unwilling to withhold. But, with respect to the form of these oaths no such considerations exist. They have not been handed down from great antiquity. They have been added to, altered, and patched up by various Acts of Parliament, which I have failed in an attempt to count—and they have absolutely fallen into contempt. I therefore think that the Bill, which seeks to effect an alteration in these oaths, is not open to any of the objections which might be supposed to exist in the case of those Parliamentary usages to which I have just adverted. We who introduce this Bill, it is true, aim to effect under its operation the admission to a seat in the Legislature of members of the Jewish persuasion, who, owing to certain words which exist in the oaths as they at present stand, are prevented, in consequence of their religious belief and a conscientious adherence to the truth, from becoming Members of the other House of Parliament. From that disability, my Lords, we propose to relieve them, upon the ground of toleration, and upon the ground of right. We believe it to be directly opposed to the principles of our constitution that any class of men should be debarred from the enjoyment of civil rights on account of the religion which they may happen to profess. We entertain this opinion the more strongly in the case of men with respect to whom there exists no special Act of Parliament prohibiting them from becoming members of the Legislature. To my great surprise I have learnt that some doubt has been expressed as to whether the words "on the true faith of a Christian" were not originally meant to apply to the case of the Jews. I shall not trouble your Lordships by quoting the opinions of our greatest statesmen upon that point; neither shall I quote from the works of any of our great historians to prove how erroneous is that view. I shall not refer to the sentiments of our most eminent Judges, delivered from the judicial bench, in refutation of the supposition; I shall merely appeal to your own good sense upon the subject. Looking to the date of the oath in which the words which I have mentioned appear—bearing in mind that it was framed at the commencement of the eighteenth century, when the object sought to be attained was to protect the House of Hanover from aggression on the part of the House of Stuart—at a period, too, when the Jews had absolutely no political significance whatever—I contend that it is impossible seriously to maintain that the introduction of the words in question into the oath had for its object the exclusion from Parliament of members of that persuasion. If I am right in taking that view, then I say that they are unjustly excluded from the exercise of a civil right, and that it is nothing less than persecution upon our parts to continue the disability. Persecution, my Lords, is a word with reference to which very plausible arguments have been advanced—arguments so plausible as to have produced a considerable influence, not in the case of our country alone, but upon other nations, in the progress of history; arguments which we find influence at the present moment a Government and a people of a character not altogether uncivilized. I am happy, however, my Lords, to think that in the justice of persecution those whom I have the honour to address in no sense acquiesce. I for one hold that, whether you simply deprive a man of his civil rights, or go further, and take from him his property or his life, you are in both cases equally guilty of persecution. In confirmation of the justice of that opinion I have upon my side not alone the sentiments of laymen of the highest eminence, but of some of the most illustrious Prelates by whom our Church has been adorned. Noble Lords opposite think that it is not persecution to preclude a Jew, who may be otherwise well qualified to take his seat in Parliament, from doing so because of the religion which he professes. I think I have a right to ask those noble Lords to define the line where persecution begins and where it ends. I will ask them whether it was persecution some quarter of a century ago to prohibit Jews from being the chief magistrates of that great commercial city which has for many years past returned a Jew as its representative? I will ask them whether it was persecution to prevent a Jew from enjoying the freedom of that city—from being a schoolmaster or a lawyer, and from exercising a retail trade even in this great metropolis? I ask whether the enforcement of any or of all of these disabilities can be regarded as persecution? If the answer be in the affirmative, then point out to me a single instance where to grant relief from such persecution and from the disabilities which it entailed has resulted in the slightest disadvantage to the Christian community of this country. If to maintain those disabilities be not persecution, I ask whether to inflict upon natural-born subjects of this kingdom, as was done far back in our history, the grievance of confiscating their property, and after the exercise in this regard of unexampled cruelty to drive 15,000 of them from the country, comes under the head of persecution or not? The word is one of the true meaning and scope of which we have a right to expect that some explanation should be given. We who advocate the passing of this Bill are desirous that the existing disabilties of the Jews should be removed, and I shall, with your Lordships' permission, proceed to answer the objections which are urged against the adoption of that course. In doing so, I trust your Lordships will attribute rather to a want of understanding upon my part, than to any want of respect for those distinguished men who have spoken both in this House and elsewhere upon the subject, the assurance of my inability, after having given the question careful consideration, to comprehend the exact principles upon which the objections to this measure are based. I, as well as your Lordships generally, have heard most eloquent appeals made to everything of sentiment, of feeling, or of prejudice that may be supposed to exist in a Christian community in opposition to the claims of the Jews to a seat in the Legislature; but I am bound to say, that I have been unable to discover in those appeals any clear or logical principle in support of the views which their authors have advanced. The nearest approach to anything like principle which I have been able to find in them, is the doctrine that, by the admission of Jews to a seat in Parliament, we should be unchristianizing the Legislature. Now, I can conceive no cry which is more calculated to fill with horror everybody who does not reflect upon its true nature than the assurance that the step which we wish you to take would have that result. I venture, however, to give expression to a hope that my noble Friend opposite, who will follow me this evening, will not rest satisfied with shadowing out the horrors which an Act tending to unchristianize the Legislature would produce, but that he will, with that clearness of diction which he, more than any other man in your Lordships' House possesses, explain in exact terms to your Lordships how that result would be brought about by the passing of the measure now under discussion. We ought, I think, to be informed in the first place, whether the country at large is now to be considered as a Christian nation or not. If the preposterous notion be entertained that this is not a Christian State, then I ask, whether it is not clearly chimerical to attempt to maintain for the Legislature a character which the country at large does not possess? If upon the other hand, this nation—as I feel confident she is—be a Christian nation, I think we ought to have some reason assigned as to how it is possible that we can retain our Christian character while Jews are allowed to vote for Members of Parliament, while they are permitted to reside and to hold land in the country, to fulfil all the duties of magistrates, and while Unitarians, as well as infidels of all shades, are allowed to sit and vote in the Imperial Legislature—I should wish, I say, to know how a country is to remain Christian under these circumstances, while the mere admission of a few men of the Jewish persuasion would tend to deprive it of that Christian character? The argument is one which I think none of your Lordships will be disposed to push too far. It would be well to consider, whether in using it you do not derogate from the dignity of Christianity itself. I would confidently ask you, whether Christianity owes its spread in the world to laws, whether intentionally or unintentionally, framed by man, and whether by the adoption of the course to which the argument I have mentioned must legitimately lead, you would not be maintaining rather the outward semblance than the inner and truer substance of Christianity? I have seen it recorded that among the early Christians there were men who, although they were ready to sacrifice their lives and property for conscience sake, yet did not hesitate to take part in the deliberations of the Roman Senate. Now, I cannot understand how a Christian of that stamp could hold himself justified in associating with the worshippers of Venus and Jupiter and other pagan deities in connection with matters of a temporal character, while we, who constitute an enormous majority of a Christian assembly, in which, not matters of religion, but questions affecting the temporal welfare of millions of our fellow-subjects of every form of religious belief are the subjects of deliberation, imagine that we should lose our Christian character by the admission into the Legislature of a few men professing particular religious tenets—tenets, be it remembered, which cannot be said to endanger others, and which they do not seek to propagate? In my opinion, much greater danger to Christianity lies in the unchristian sentiment by which such a doctrine as that is sought to be upheld. For these reasons, my Lords, I think you will come to the conclusion that this argument with respect to unchristianizing the Legislature is one which cannot be fairly maintained. My Lords, it has long been a matter of national pride that this country has appreciated more widely than any other the blessings of civil and religious liberty. Now, for the course in which noble Lords opposite ask us to persevere, it is quite true that precedents can be found in Russia, in Prussia, and in some parts of Italy. In those countries, I admit, the Jews are subjected to civil disabilities. But, if you turn to the great Catholic empire of France, or to the Catholic kingdom of Belgium, to the Protestant kingdom of Holland, or to the dominions of our brethren beyond the Atlantic, you will find that they are in advance of us in the appreciation of that which constitutes in reality religious toleration; for in none of these countries are the Jews debarred of their civil rights. I would ask you even to contrast our own country with itself. Do any disabilities in the case of the Jews exist in India, in Jamaica, in Barbadoes, in our extensive Australian colonies? You will find the contrary to be the fact; while in Canada, I am happy to say, owing to the zealous exertions of clergymen of the Church of England, the disability to hold a seat in the Legislature, under which Jews at one time laboured, has been removed. It may be said, that in the United States there is no Established Church, and that the question has not been mooted there. I think that the existence of an Established Church makes no difference whatever. The existence of an Established Church might have been a good and logical reason for excluding Dissenters, Roman Catholics—every person who did not belong to the Church; but, having admitted these, it is idle to state that for the established church it is of importance that we should exclude Jews. If it were, nothing could be easier than to demand from Jews the same sort of declaration as is now extorted from Roman Catholics. I can see no objection to that, except the fact that it would be utterly ridiculous in itself, and would be tantamount to saying that the Established Church possesses less strength than I am happy to say it has. Nor is the statement true that the question has not been mooted in the United States. In Massachusetts, that purely Protestant State, embued, even to the present day with something of a puritanical spirit, there existed until very recently a relic of the old feeling, the Governor being obliged to take an oath professing himself to be a Christian. A full discussion took place upon the point, and in that most Protestant State of America it was agreed to sweep from their statute-book everything that bore the appearance of a useless and impractical piece of intolerance. There are some other objections to which I can hardly venture to allude, because I think your Lordships cannot seriously entertain them, such as that the Jews, being a separate people and expecting an eventual restoration to Palestine, will not make good citizens here. I believe that to be contrary to all the principles of human nature. If the Jews confidently believed that at some definite period—say five or ten years hence—they would be restored to Palestine, that might influence their conduct; but to suppose that because they expect a miraculous restoration at some very indefinite time, which they themselves think may occur one or two thousand years hence—feeling, too, that the interests of their sons and grandsons are locked up in the prosperity of the country which they now inhabit—they would not make good citizens, would be as childish as to imagine that those who believe in the more definite event of an approaching millennium, or even the whole body of Christians who believe in a future life, making of little importance what takes place here below, must of necessity be bad subjects. Some other objections have entirely vanished, as, for example, the objection that the Jews are unfit for intellectual pursuits. I shall not go into their history in other countries to show the vigour of their mental powers, but I defy you to point to any profession or intellectual pursuit in which they have not distinguished themselves in England. Jews are to be found among the best teachers in the different departments of science, and I may say with some pride, being myself connected with the University of London, where Jews are now permitted to compete with others, that they have taken, at least, their full share of the honours of that institution. There is another and a different class of objections to which I wish to call the attention of your Lordships. I am told that some of the Roman Catholic Members of this House feel a difficulty in voting for the second reading of this Bill. I entirely appreciate their motives, and am sure they are influenced by the same sentiments which I dare say many of your Lordships heard expressed with such eloquence by one of their ablest advocates in another place. It was immediately after the passing of the Emancipation Act, and the Gentleman to whom I allude said, that as a Catholic he gloried in having an opportunity of voting for the admission of Jews to Parliament, and of thus refuting the calumnies which had been heaped upon his co-religionists by those who wished to maintain their disabilities. With the same justifiable feeling of pride he cried out, "We have been accused of bigotry; where are the bigots now?" I am sure that the same sentiments are entertained by the Roman Catholic Members of this House, and I know that their objections to the Bill are of a very different nature from those to which I have referred. They think that in the amended form of the oath which we propose, there are details which they do not feel themselves justified in imposing upon their fellow-subjects. If the Bill should go into Committee—and I earnestly hope it will—I shall be prepared to state the reasons why it is desirable to retain the words objected to, and what inconveniences would arise from their omission. It will be open to them, in the same manner, to propose any alterations which they may think advisable, and to show to your Lordships that means might be taken to remove their objections without, at the same time, weakening any of those securities which as Protestants we must take. Any such proposal made by them will, I am sure, be carefully and deliberately considered by your Lordships; but, considering that the object of the Bill is to amend an oath which they think defective, and that it collaterally secures the admission of Jews, whom they wish to relieve in the same manner as they have been relieved themselves, and as the nation was relieved from the disgrace of inflicting penalties on account of religious distinctions, I do expect to find them voting for the second reading, whatever course they may take in the subsequent stages of the Bill. I believe that a noble Earl who is not a Roman Catholic entertains the same objection, but I earnestly hope that he and all those who approve the great object of the Bill, will not attempt to defeat it merely because the details are not in every respect such as they would recommend. There is an objection of another kind which I do not think will be heard in this House. It is rumoured abroad, but I hope is without foundation, that your Lordships ought to seize with avidity the present opportunity of showing your independence of the other House of Parliament upon a question of some importance, especially since you may do so with perfect impunity, inasmuch as that, notwithstanding the very large majority by which this Bill passed the House of Commons, that majority is not supported by any excited feeling on the part of the people at large. I cannot believe that your Lordships entertain any such intention. Such fictitious means of strengthening your power would be altogether unworthy of you. The substance of your power is great. You exercise great influence; first, by the effect which your debates have in forming public opinion—the real lever by which everything is done in this country; secondly, by the personal position and high character of some of your number; thirdly, by preventing any one, whether belonging to the Government or not, from bringing forward a measure in opposition to the known wishes of your Lordships. That any notion, therefore, should be entertained that your Lordships would strengthen your position by a fictitious assertion of independence, only requires to be stated to be refuted. There are occasions on which your Lordships may usefully interfere to prevent the passing of measures which have been sanctioned by the other House of Parliament. When a Bill is the result of a temporary enthusiasm on the part of the people, I admit—although it is not wise for any branch of the Legislature to place itself in permanent opposition to the wishes of the country—that you may do infinite good by giving time for that calm consideration which delay sometimes induces. But the present is not a case of that kind. The present case is exactly the reverse. There is, it is true, no passionate feeling or excitement upon this subject out of doors; but I say with the same truth that the cool and deliberate judgment of the people of England is in favour of the measure now before your Lordships. I shall not refer to the petitions which have been presented even this evening, although some of them are indicative of a remarkable change of opinion, and one was signed by the whole of the corporation and by 3000 of the inhabitants of Birmingham. I put aside the test of the public press. I pass by the fact, that two of the largest constituencies in England have returned Jews to Parliament; but I take what I believe to be the real and constitutional test of public opinion in this country—I refer to the enormous majority—enormous not only in itself, but as compared with the majorities which approved the Bill in the last Parliament—of Members just returned from the constituencies by which the measure was passed through the other House. Nor do I think the fact unworthy the attention of your Lordships that eminent men, of all shades of politics, both here and elsewhere, unite in support of this Bill, which has also the sanction of two influential Members of the party of the noble Earl opposite—one an exemplification of how far Jewish ability can be made available for the purposes of the State, and the other a gentleman whom nothing but strong and sincere conviction, the result of long and serious study, could induce to separate from his friends, who we all know exercise such a powerful influence upon a party man. Even the opposition of some noble Lords on the other side of the table does not produce that effect upon me which it might be expected to do, because, whatever may be the conclusion to which subsequent reflection has brought them, they have not always been of opinion that it was a matter of vital importance to exclude Jews from the privileges which we now propose to give them. I, therefore, appeal to your Lordships to act in a judicial spirit—judicial to the extent of putting away all fancies, all prejudices, all improper feelings, and resolving to do what is right between man and man; to do what is in accordance with the principles of political truth; to give a second reading to a Bill which will relieve a deserving part of the community from restrictions, which they feel the more seeing that they have been removed from all other portions of the community; to do an act—I will not call it of grace—but of justice to a most useful, most industrious, most peaceable, and most orderly portion of the nation.

Moved, That the Bill be now read 2ª.

THE EARL OF DERBY: My Lords, I apprehend that there are before your Lordships this night two distinct questions, which, nevertheless, it has suited the convenience of Her Majesty's Government to bind up incorporate in one measure. One question is as to the propriety, the expediency, and the justice of admitting into the Legislature of this Christian country—for so I shall take the liberty still to call it—the members of the Jewish nation—for as a nation I shall still take the liberty of speaking of them; the other, the question of the alteration of oaths which are undoubtedly obsolete, and for the maintenance of which in their present form, abstractedly considered, no one would, I apprehend, be disposed to contend. My noble Friend who has introduced this measure, has treated of the first of these questions as a collateral advantage which he apprehends may, in all probability, be derived from the passing of this measure, and which he thinks should be an additional inducement to your Lordships to pass the Bill which, mainly on account of the alteration of the oaths, he submits to you. I venture to think that that is not the process of reasoning which has led Her Majesty's Government to introduce this Bill. I venture to think that that which my noble Friend speaks of as an incidental and collateral advantage has been, in fact, the paramount motive and inducement to this measure, and that the other, of which he speaks as the primary object of the Bill, is one which they have found it very advantageous to include by way of screw upon your Lordships, to induce you, by the desire which you must entertain to amend objectionable oaths—for such I admit them to be—to force your own consciences, and the consciences of many of your fellow-subjects, by the adoption of that which they insist upon attaching to the improvement of these oaths. I hope that I shall not be considered wanting in courtesy to my noble Friend, or in respect to your Lordships' House, or to the importance of the question which is before us, if I abstain from following my noble Friend at any great length in the arguments by which he supported the proposition that it is right and just to admit the members of the Jewish nation, and of the Jewish persuasion, to legislate for this country. This mention of the Jewish nation reminds me of a portion of my noble Friend's speech, in which he said that he hoped he should not, on the present occasion, hear the argument that the Jews are, by their expectation of a future restoration to their own land, disqualified from acting as citizens, and useful and meritorious citizens of this country. I am not going to say a single word to disparage the Jews either in this or any other country. I admit the undoubtedly high antiquity of their nation. I admit that they have been, and may in some future time again be, the most favoured of all the nations of the world. I admit that, in point of eminent abilities, of natural qualifications, and of talents of various descriptions, they stand as high as any nation in the world; but I am not prepared to deny to them that which I am sure they themselves would be the last to abjure—namely, their nationality, and their character as a nation. Although they are scattered by Divine decree over the whole face of the earth, they retain unbroken the chain of their nationality, and they do look forward to that period when, as a nation, they shall have restored to them their national rights and their national territory. The peculiar position of the Jews was pointed out in the earliest days by their great lawgiver, Moses; for, referring to history, even before his time, he asked, "When it had happened that God had essayed to take a nation from the midst of another nation as he had taken the Israelites out of the land of Egypt." My Lords, the Jews were in Egypt, they are in England, and in every other country to which the decrees of Divine Providence have driven them, a nation within a nation. No doubt, they submit to the laws, and discharge the duties of citizens. In this country they are entrusted to the highest possible degree with the carrying out of the laws, with functions of trust, and with the administration of justice. That which alone is withheld from them is a voice in making the laws, and that is withheld because those laws are to regulate a Christian community. My Lords, I say that the Jews do look forward to a period when another and a greater exodus shall collect them from all the countries of the world over which they are dispersed, and shall bring them back into their own country, and to the enjoyment of their own privileges. They retain their laws; they retain their peculiar customs. Though among us, they are not of us. They do not generally associate freely with their fellow-subjects; they have interests wholly apart. Between them and us there is an impassable gulf; their most important interests, their highest principles, their greatest views are altogether alien and foreign from ours. It may truly be said of them as was said by a noble and learned Friend behind me (against whom the expression excited considerable obloquy) of another people, that they are "aliens in blood, aliens in religion, and aliens in language."

My Lords, as I have already said, I shall not enter into many of the arguments by which this question of the admissibility of the Jews has been supported, because, as my noble Friend has truly observed, the subject is one which has in it nothing of novelty, and I am quite confident that I cannot hope to advance anything to convince any of your Lordships which has not been over and over again urged in opposition to measures similar to the present. Most of your Lordships are men of mature age, who have had ample time to consider and reflect upon the views which you entertain upon this subject. It is a matter the principle of which lies in a nutshell, and I can hardly believe that any of your Lordships who have had an opportunity of reflecting upon and deciding the question now before you are likely to alter your views or change your votes in consequence of any eloquence on the part either of my noble Friend opposite or of myself. But there was one argument which was urged to-night—although no great stress was laid upon it by my noble Friend—which I did not expect to hear urged in favour of the introduction of this Bill. I mean the argument that it is the undoubted right of every citizen to enjoy by an indefeasible title all the rights and all the privileges—for my noble Friend, I think, added the word "privileges," and if he did not he ought to have done so—of citizenship. But in saying that the withholding of any of these rights, the depriving them of, or rather not conferring upon them, any of these privileges, is a remnant of persecution, my noble Friend altogether begged the question as to what are the rights and what are the privileges of citizenship. There are undoubtedly rights which are indefeasibly attached to every citizen of a free country. He has undoubtedly a perfect right to claim security for his person, security for his property, and the free enjoyment of the rites of his religion; and from none of these is the Jew in this country in the slightest degree debarred. But he cannot claim as a right—it is conferred upon him as a privilege—the power of legislating for the community at large—which you do not give to every man, but which you confide to certain individuals selected from the community as properly entitled to exercise these privileges. Certain duties, certain obligations, certain restrictions, have at all times been imposed upon the privilege of sitting and voting in Parliament. Again, I did not expect to hear from my noble Friend that the words of the oath by which the Jews are excluded from sitting and voting in Parliament was a mere accident. If my noble Friend means that the precise terms of the oath, the words "on the true faith of a Christian," were not directed in the first instance—which, by-the-by, I must remind my noble Friend was long before the time of the House of Hanover, being in the 7th year of the reign of James I.—if he means to say that these words were introduced, not with reference to the Jews, but with reference to the Jesuits, I am perfectly ready to admit that that was the object with which these specific words were inserted. But let us look at the time and the circumstances under which these words were introduced, as my noble Friend says, not against the Jews. Why, for two centuries and a-half previous the Jews were not entitled to live in this country. They were banished from the country in the year 1290, and at the time this Act was passed, in the 7th of James I., they were, and for many years afterwards remained, in that condition of absolute banishment. Why, to talk of introducing an Act of Parliament to prevent persons from sitting and voting in Parliament who could not even enter the kingdom, and to say that because words prohibiting them to sit and vote in Parliament were not directly pointed against the persons who could not enter the country, therefore it was not the intention of the Legislature to exclude them, is as much begging the question as if it were to be said that because in the oath of supremacy we declare that no foreign prince or potentate hath any power, ecclesiastical or spiritual, in this kingdom; therefore, because we do not introduce the word "temporal," we admit that foreign potentates have temporal jurisdiction in this country. My noble Friend must recollect that even in the time of Cromwell there was presented to the Government a very humble petition on the part of the Jews. It was assigned, I think, by Menasseh Ben Israel, Rabbi of Amsterdam, and prayed they might have their ancient banishment withdrawn, and might be permitted to return to this country. What are the terms of the petition? The first they ask is that the Hebrew nation may be received and admitted into the commonwealth under the countenance and protection of his Highness, as the natives themselves. Then they ask that they may have leave to open public synagogues; that they may be permitted to traffic and import merchandise; and, to the end that their coming in might be of utility to this nation, and that they might live without prejudice to any, they prayed his Highness to appoint persons of quality to receive their passports on their arrival, and to certify their having taken the oath of fealty to the Government. There was a conference on the 7th of December to take the petition into consideration—I take this from the *Parliamentary History of England*—and further conferences on the 12th, 14th, and 18th of the same month, on which last day the conference broke up without coming to any resolution, or even agreeing to a further adjournment. The authoritative narrative declares that the reason why his Highness did not take any active steps to a settlement of this matter was, that he acted, as in all other matters, with good advice and mature deliberation. But in the following year there was the memorable protest, by Prynne, against even this moderate proposal; and in 1657 appeared the "humble advice and petition," which contained, among other things, the oath which was required to be taken in future by all persons who sat in Parliament. That oath was as follows:—

> "I, A B, do, in the presence and in the name of God Almighty, promise and swear that to the utmost of my power in my place I will maintain the true Reformed Protestant religion in the purity thereof as contained in the Holy Scriptures of the Old and New Testament, and will encourage the profession and professors of the same."

Let us see what are the terms of that Act, and what was the view taken by the Legislature at that period of the right of the Jew to sit in Parliament; if, indeed, it ever entered into their contemplation that the Jew would claim such a right. Every person taking that oath swore to uphold and maintain the Protestant religion as contained in the Scriptures of the Old and New Testament, and to support the profession and professors of the same. It may be that the words of the Act of James I., taken literally, were not directed specially to the exclusion of the Jew; but, considering that immediately after the application of the Jews to Cromwell to return to this country and to be permitted to enjoy in it the rights of other citizens, which was not acceded to on the objection raised by Prynne, there came a new declaration of what was to be required of all persons sitting in Parliament, in which was contained a promise to maintain the Protestant religion according to the Old and New Testament. I ask my noble Friend to tell me whether this is not overwhelming evidence that at that time and for many years afterwards it was the deliberate intention of the Legislature to make Christianity a necessary condition of admission to the Legislature? It is quite true that this oath was altered subsequently—indeed, it was altered upon many occasions. I do not know, indeed, that there was any Parliamentary enactment providing that the Jews should not sit in Parliament, for up to a very recent period they were treated as aliens. In 1670, there was a Bill introduced to relieve them from the payment to which, as aliens, they were subjected; but the next year there was so much stir about it, that it was repealed, and the character of aliens was again affixed to them. But when you come to speak of the right of the Jew to sit in Parliament, let me remind you that up to a recent period persons who sat and voted in Parliament were required to hold a landed property qualification, and Jews, at that time, could not hold landed property. My noble and learned Friend behind me (Lord Lyndhurst) will remember that so late as 1846 he supported a Bill introduced by Lord John Russell, to remove doubts which existed as to whether Jews were capable of holding landed property. When, therefore, the Jews were considered to be aliens, and, therefore, disqualified from a seat in Parliament; when they were unable to hold landed property, which was an indispensable qualification for a seat there—is it at all wonderful that there should be no special clause excluding Jews from that from which they were already sufficiently excluded by the circumstances of their case and by the common law? Not only, therefore, in the time of James I. and of Cromwell, but in all succeeding times, their alienism subsisted, their disqualification subsisted, and there have always been words in the Acts of the Legislature, not introduced specially for the purpose, but which practically, and to the knowledge of all men, did exclude the Jews from Parliament. My noble Friend says he is unable to quote any one single instance of a Jew being admitted to sit and vote in Parliament, and he will be equally unable to show me any one single time or period of our history when his so sitting and voting was not repugnant to the law of England. The Test and Corporation Act was passed in 1828. I remember my noble and learned Friend behind me took part in that discussion, and I have the authority of the Lord Chief Justice of England for saying, that the words "On the true faith of a Christian" were retained in that Act for the avowed and express object of continuing the exclusion of the Jews. And yet, in the face of the facts I have mentioned—in the face of this declaration, that in 1828 words were kept in that Act for the avowed object of excluding the Jews from participating in its benefits, am I to be told that the exclusion of the Jews is a mere accident which ought to be permitted to exclude them no longer? I say, so far from it being an accident, it has been the consistent and uninterrupted determination of the Legislature, and that this Bill, if it unhappily receives your lordships' assent, will, for the first time, remove a restriction which has ever been looked upon as part of the constitution of the country. I said I was surprised to hear the argument of accident, and also of the indefeasible right of the Jew to all the privileges of every citizen in the community, because, if that is a sound argument, how happens it, my Lords, that Her Majesty's Government have found it convenient, if not necessary, to continue in this Bill some little spice of what I perceive is called persecution? If it is persecution to say that a man shall not be a Member of Parliament, is it not persecution to say that he shall not be Lord Chancellor? I do not admit that it is persecution, for I think that the Legislature has a perfect right to exercise its discretion and to impose such conditions as it pleases; but if the Government do wish to get rid of what they and some of the petitioners call the last link of bigotry and persecution, I think they have laid by a nice little nest-egg of agitation for the future by imposing this exclusion. I should really be glad to know what was the history—not the public and ostensible, but the private history—of the introduction of these clauses. Perhaps my noble Friend opposite, or some other Member of the Government, will give us the secret history of this retention of the very "last link of persecution" by which the Jews are excluded from certain high offices to which a Parliamentary career can lead. I do not complain of the selection which has been made. There are other offices which certainly might have been inserted in the clause; but besides those from which the Jew is still excluded by this Bill, there are some other offices left open to him for which he may possess peculiar facilities and peculiar advantages. Now, I do not think, on the whole, that I should feel comfortable if a Jew were made Chancellor of the Exchequer. He may very possibly have some natural sympathies which would interfere with a due discharge of the duties of his office. The Chancellor of the Exchequer may be a Jew under this Bill, and very possibly will be. If the hon. Member for the City of London should succeed in obtaining his seat under this Bill, he would make a very efficient, and undoubtedly he would be a very influential Chancellor of the Exchequer. There is one provision in this Bill which I do not understand. It says, that it shall not be lawful for any person of the Jewish religion to advise Her Majesty, the Lord Lieutenant, or the Lords Deputies in any matter concerning the appointment to any office or preferment in the united Churches of England and Ireland. That is very right. But, supposing a Jew, by great Parliamentary influence and various other means should happen to reach the high distinction of being First Lord of the Treasury, he is debarred from advising Her Majesty as to appointments in the Church; then, I want to know, who is to advise Her Majesty in these circumstances? With respect to benefices, the Archbishop of Canterbury is to present to all which are in the patronage of a Jew holding certain offices. I have such an opinion of the Most rev. Prelate the Archbishop of Canterbury as to believe that he would not be led even by the prospect of so much patronage to give his support to this Bill. But, supposing it is intended by the Bill that the Archbishop of Canterbury is to appoint the Bishops, or to fill up vacant benefices, or to advise the Crown in such cases, at all events he cannot give advice as to who shall be his own successor after his decease. No Jew can advise Her Majesty as to appointments in the Church; but who, I again ask, is to be the adviser in such circumstances—for according to the constitution, Her Majesty cannot act without responsible advisers? I should really very much like to know what was the object and purport of the introduction of these clauses. My Lords, this was not a very long entertained proposition on the part of the Government, nor was it the result of very long deliberation, because, if I am not much mistaken, in the course of the discussions in Committee in the other House the absurdity of Jews exercising ecclesiastical patronage and holding certain offices was brought under the notice of the Government, and they were asked if they would consent to the introduction of a clause of this kind; on which the noble Viscount at the head of the Government, in that offhand way which distinguishes him, said, "this is not a Bill of pains and penalties or of exclusion from offices; this is a liberal measure for striking off the last rag of intolerance, and putting an end for ever to those disgraceful restrictions which have hitherto existed; therefore I will have no such clause introduced into the Bill." Well, some forty-eight hours or thereabouts elapse, and one day at the end of the week the First Lord of the Treasury comes down, and says, with reference to this well-considered measure—which had been announced almost on the first day of the Session, and of which on the second reading and in Committee Government had declared it should tolerate no exclusions or restrictions—he comes down and states that after consideration it was intended to introduce a clause imposing those very restrictions which had been previously denounced. Now, my Lords, I say that in a question of this kind that is not the mode in which the Government of this country should demean itself. That is not the way to impress on Parliament and the country a high idea of the capacity of the Government. It is trifling with a great question; it is playing fast and loose, and laying Government open to the suspicion of having consented to this alteration for the purpose of gaining some ulterior purpose. My Lords, I believe that a deputation of Roman Catholic gentlemen intimated to the First Lord of the Treasury, that they felt aggrieved at the idea of having to take an oath different from that of other Members of Parliament, and one which they construed in a manner offensive to their feelings. I am sorry they should think so. They prayed that one oath should be prescribed for all classes of Her Majesty's subjects, irrespective of all religious considerations whatever; and that they should not be required to take a separate oath which placed them in a more unfavourable position than the Jews. I must say, I do not think that to be an unreasonable proposition. I should be sorry to place the Roman Catholics on the same level with the Jews. We are closely connected and identified with the Roman Catholics in regard to all the high interests and principles of our religion; and although we make a distinction between them and ourselves, in order to guard against certain dangers which we apprehend may arise from some of the principles they hold, in all the great truths of our religion, in the great leading principles of Christianity, we and the Roman Catholics are at one. We agree as to the Divine origin of our religion, and as to the authority of the founder of that religion there is no difference between us. As regards the moral doctrines inculcated in the New Testament—which, no doubt, are an extension of the principles laid down in the Old—we are at one, and therefore we have a common faith, common principles, and a common morality, all sanctioned by a common authority. But if the Jew maintain the same moral duties with ourselves, he renounces the principles, the motives, and the authority by which those duties are enforced by our common Christianity; and he therefore stands in a very different and much more alienated position than the separate communities of the Catholic body at large stand in respect to each other. I am not prepared, then, to say that because I can admit into our Christian Legislature all denominations of Christians—placing certain restrictions on Roman Catholics in respect to points where their hostility might be apprehended—I am therefore compelled by analogy, and as a necessary consequence, to put all those who do not profess Christianity on the same footing. My noble Friend alluded to the argument that this Bill, if carried, would have the effect of unchristianizing the Legislature, and he said he hoped we would not deal in generalities, but would state distinctly what we meant by unchristianizing the Legislature. I do not recollect having used that word; but, at the same time, I think I understand the meaning of it. I do not understand by it that the introduction of two or three Jews into Parliament would make the remainder of the Legislature less Christian than it had hitherto been. I will not say that the influence, even, of those Jews would have any injurious effect; but I will not be so certain on that point. I give every credit to the Jews for possessing all the qualities necessary to render them good citizens and loyal subjects. I cannot, however, forbear mentioning a remarkable circumstance, in which the peculiar principles of the Jews operated in a somewhat extraordinary and peculiar manner. I recollect that some years ago there was a public subscription raised in favour of some case of general distress, the nature of which I do not at this moment recollect. A general programme was prepared to be sent forth, in which there was an appeal—an appeal never lost on a Christian country—to the Christian sympathies of the people. A Jew, however, said, I object to the word "Christian" in that appeal—strike it out, for it is not merely Christian sympathy you wish to call forth, and Jews cannot respond to that word; do not, therefore, offend us by putting that into your programme, seeing we disclaim what you call Christian sympathy. In consequence of that remonstrance of a Jew, the appeal to the Christian sympathy of the country was struck out of the programme—the liberality of the Jew was accepted—but it was at the expense of those words. Now, I say the same thing might occur in the House of Commons,—nay, I may say it would occur there every day, in reference to the commencement of their proceedings by prayer in the name of the Saviour of the world, for no Jew can join in offering up that prayer. I do not know whether it is intended that the Jew should take a seat in this House—if it be so intended, his religious scruples would be much more severely tried. But, my Lords, I was proceeding to say in what sense the Legislature might be considered unchristianized by the admission of Jews to Parliament. The sense in which I understand that word is this—that by that admission you take from the Legislature that which it has had in all times—namely, the character of an exclusively Christian body. You will disclaim on the part of the Legislature any connection with the religion of the country. In this Bill you call on the Legislature to do that in the most emphatic way by striking out words that give solemnity to the oath in the minds of all Christians—namely, that they make this declaration and promise without any mental reservation, and that on the true faith of a Christian. By striking out those words you take away from the Legislature its profession of Christianity by an act of legislation, and that is what I call unchristianizing the Legislature. The noble Earl has said, what has been often said before, that you exclude the sincere and conscientious Jew, but admit persons of all religious persuasions or of no religious persuasion. Undoubtedly, if a man chooses to forswear himself, the Legislature can do nothing to prevent it. We cannot look into the heart and mind of a man. All we can do is to say that this is a Christian country, and that its Legistature shall bear the impress of Christianity—that no man shall be entitled to legislate for us and take a part in ruling over us who does not, at all events, profess himself a believer in Christianity. Further than that human legislation cannot go, nor would it be wise to go further if it could. But if it is a right and wise thing to introduce Jews to Parliament, is it essential to that object that the conscience of Christians should be offended by excluding from the oath to be taken by them words of such solemn import and such deep and sacred obligation as these—"on the true faith of a Christian." Why strike out those words for the relief of the Jew when you have it equally in your power to meet the case—if you desire to meet it fairly and honestly—by permitting the oath to be taken in its present form by all persons who desire so to take it, and that the Jews be exempted from using the words "on the true faith of a Christian"? That, my Lords, was the course that was pursued with regard to the Quakers and the Moravians, who were unwilling to take any oath. Exceptions were made in their favour by allowing them to make solemn affirmations in lieu of oaths. If the Jews were to claim a similar dispensation from words which to them appear to be offensive, they might undoubtedly claim to be admitted by virtue of a special clause in their favour, permitting them to take oaths in a manner which they might deem to be binding upon their consciences. But that course would not have answered the purpose of Her Majesty's Government. It would have given them an opportunity of settling the question which they now say is the primary object they have in view; the oaths would have been separately considered by this House, and the Bill would have been sent down to the other House amended according to your Lordships' views, and it would then have been for the House of Commons to decide whether they would consent to the amended oath which all were willing to adopt, or whether they would prefer an indefinite postponement of any Amendment on the oath until they could force the House of Lords to accept a proposition which a majority of your Lordships feel to be opposed to your conscientious opinions. Her Majesty's Government have chosen to take a course which they, no doubt, knew would be embarrassing to some hesitating, undecided Members of this House. They have attached a condition the objections to which are all but insuperable to that alteration in the oath which all of your Lordships agree to be desirable. I need not remind your Lordships that in the last Session of the late Parliament, after the Jew Bill had been rejected by this House, I took the liberty of introducing a Bill to amend the oath, in which undoubtedly the particular words in question would have been retained, but which would have got rid of all the objectionable and obsolete portions of the oath, which my noble Friend seems to think not only ludicrous, but blasphemous. However, I was told that to send down that Bill to the House of Commons would be only inviting a renewal of the conflict upon the Jew question which had been already decided, and that that House would not agree to an amendment of the oath, which all admit to be desirable, unless it was coupled with a condition which your Lordships had several times declared your inability to accept. However, this year we have this Bill, and I confess I approve it so far as it relates to the amendment of the oath that I would have been content to have assented to the second reading and to have dealt with the secondary and collateral question of the Jews by moving for the reinstatement of these words by way of Amendment in Committee. But what has taken place? The addition of the words "on the true faith of a Christian" has already been proposed in the House of Commons, and the proposition has been rejected by that House by a large majority. Thus they have debarred us from taking a course which might have reconciled us to this Bill. They have rejected an Amendment which alone would enable us to concur with them in the passing of this Bill. I have, however, been somewhat diverted from the history of this clause. I am told that a deputation of Roman Catholic noblemen and gentlemen waited on the First Lord of the Treasury to state their objections to the present oath; and what is the answer which the noble Viscount is reported to have made? I am told that he said, of his own part he had not the slightest objection to any alteration; that he did not wish to retain any restrictions on the oath; that he did not see much merit in the present oath; but that there were some gentlemen with ultra-Protestant views in the House of Commons strongly attached to the Established Church; and that if any Amendment such as the deputation required should be made it would increase the difficulty of passing the Bill; therefore, he was very sorry he could not yield to the wishes of the Roman Catholic gentlemen. But the noble Viscount added that, although he could not place the Roman Catholics in a better position, he would willingly consent to place the Jews in a worse. [The Duke of NORFOLK: No, no!] I do not mean to say that statement was actually made to the deputation, but it was the line of argument adopted by the noble Viscount. The noble Duke was present and I am happy to have him here to confirm the truth of my statement. The noble Viscount said that he had no objection to alter the Roman Catholic oath, but that would give rise to inconvenient opposition in the House of Commons. I appeal to the noble Duke who headed the deputation whether such was not the case? [The Duke of NORFOLK: Something very like that.] Now, I appeal to your Lordships whether that is very statesmanlike conduct — whether it indicates any fixed opinions on the part of the head of the Government, who not many months ago went to the country as the exclusive protector of Protestantism? I do not say I have given the exact language of the noble Viscount, but the result of the deputation was that the Roman Catholics did not get what they asked, and the Jews did get what they did not ask for,—namely, a clause disqualifying them from filling certain offices, and perpetuating what the noble Viscount indignantly denounced as the last remnant of religious intolerance. That, my Lords, is the history of this clause. If Her Majesty's Government had been really desirous of settling this question, they might have amended the oath in a manner perfectly unobjectionable; they might have retained for all Christian legislators these words of solemn significance, and they would then have avoided shocking the consciences of a large portion of the religious community, and they might have submitted openly and avowedly the question of whether an exceptional oath should be made to enable Jews to sit in Parliament. That would have settled the question as to the oath, and it would have left the question as to the Jews perfectly open; but, instead of that, we are told that we shall not amend what we are all willing to amend, unless we will also agree to that which to many of your Lordships is most objectionable. My noble Friend (Earl Granville) said he hoped he should not hear used this evening the argument that this was a favourable opportunity for asserting the independence of your Lordships' House—to assert what he styled a fictitious independence. [Earl GRANVILLE was understood to deny having used the expression.] If the noble Earl retracts the expression I shall say nothing more about it; but he did express a hope that this would not be deemed an opportunity for the assertion of the independence of this House. Now, my Lords, I hope that upon this and upon all occasions the House of Lords, upon matters where principle is involved, will assert their independence. If I do not state at greater length my reasons for objecting to the admission of Jews to the Legislature of this country, it is because I believe your Lordships have fully made up your minds upon the subject. It is a question of principle—not of expediency. It is a question not determinable or to be influenced by the operation of temporary causes or changing circumstances; it is a question upon which we must act from principle, apart from all extraneous circumstances, and it is a question upon which I believe the majority of your Lordships have made up your minds long ago. I do not deny that there are times (and when they do occur they are much to be regretted) when the Legislature of this country may be disposed to sacrifice their own firm convictions, when great and fatal danger would attend an unflinching adherence to those convictions. That principle has been acted upon in former times, and it has guided the conduct of some of our most eminent statesmen, and among them the late Sir Robert Peel and the illustrious Duke of Wellington. I admit there are cases in which a sense of justice and right has been overborne by apprehended dangers from a persistence in our convictions; when there has been danger of collision between the two Houses of Parliament—of universal anarchy—of internal commotion likely to ensue upon a determined adherence to our own opinion, then we have yielded. That feeling influenced the Duke of Wellington and Sir Robert Peel upon the occasion of the Roman Catholic Relief Bill, when they acted, not according to what they considered to be right, but in consequence of the formidable dangers with which the country was threatened had a different course been pursued. I say the same thing of your Lordships in the case of the Reform Bill, and of a large portion of your Lordships upon the question of the abolition of the Corn Laws. Upon those occasions your Lordships gave up your opinions, which you considered to be abstractedly right, in consequence of the formidable dangers which were threatened by your persisting in acting upon them. But I venture to ask your Lordships what is the formidable danger or inconvenience which my noble Friend expects will follow upon a persistence of this House in their repeatedly expressed views upon this question. [Earl GRANVILLE intimated that he had not referred to any such danger or inconvenience.] I thank my noble Friend for the admission that in case we should persist in the course adopted by a majority of your Lordships on former occasions there will be no danger of a collision with the other House, no disturbance of the public peace, no political or social conflict. The noble Earl said he hoped he should not hear the argument used that opposition to the measure would vindicate the independence of the House. He will not hear that argument from me, but I do say that the absence of any of those causes of hesitation, doubt, or difficulty to which I have referred will prevent us from being called upon to sacrifice our own convictions for the sake of avoiding possible public inconvenience. I repeat I believe your Lordships have long ago made up your minds upon this subject. I hope you will pursue the same course as on former occasions, and that you will adhere to your determination to maintain and uphold the Christian character of a Christian country, and I trust your Lordships will not be led even by the bait which is held out of the alteration of an objectionable oath to accept that which the Government has attached to it as a screw upon your Lordships' consciences; but that, regretting that the Government should have conjoined the two matters so closely that you cannot accept one without the other, your Lordships will reject the compromise and combination, and, as you cannot concur in what the House of Commons insists upon including in the Bill, you will not sanction even that which intrinsically you approve, but which you cannot separate in this measure from the other subject. I regret having detained your Lordships longer than I could have wished. I have only expressed my own opinions, and the opinions of a large body of those with whom I have the honour of acting; but upon the grounds which I have stated I now venture to move that this Bill be read a second time this day six months.

Amendment *moved* to leave out ("now") and insert ("this day six months").

THE LORD CHANCELLOR having proposed the Question,

LORD LYNDHURST: My Lords: I could have wished that some other noble Lord should have followed my noble Friend who has just sat down, but I felt, and I feel at this moment, that unless I were to avail myself of this early opportunity of offering my opinion on this subject—which I deem myself bound to do—I might not be able to address you at a later period of the night. My Lords, no one can admire more sincerely than I do the eloquence of my noble Friend; and if beautiful and felicitous language, sprightly sallies of wit, and splendid declamation can determine a question of this kind, then I feel satisfied that we have no chance of reading this Bill a second time. But I have been so long familiar with your Lordships' House, I know its mode of proceeding so well, that I entertain no apprehension whatever of the question being decided on any such ground. I have, while my noble Friend was addressing your Lordships, been considering what course it would best become me to pursue; and. from the confidence I place in your judgment, your independence of thought, and impartiality,—above all, from the confidence I place in the soundness of the principle on which this Bill is founded—I think that I cannot do better than point out distinctly and precisely the facts of this case, upon which so much of the question now at issue depends, and to advert to the arguments which are relied on on the one side and on the other, and among others, to the arguments that have just been urged by my noble Friend. The facts of the case may be stated in a very short time, and in very few words. In the first instance, I must refer to the period of the Revolution of 1688. When that event was accomplished, by which our constitution was settled, it was determined, at the very commencement of the reign of King William III., to revise the oaths now under consideration. The oaths in existence at that time were the oath of allegiance, which was most cumbrous in its form, and the oath of supremacy. This oath of allegiance was originally adopted in the reign of James I., and it contained, for the first time, the words referred to by my noble Friend—namely, "without equivocation, and upon the true faith of a Christian." This oath, however, after much careful deliberation, was directly and distinctly repealed, every part of it was abolished, and in lieu of it the simple oath of allegiance, in the concise form in which we now have to take it, was introduced. So much as to the form of the oath of allegiance then adopted. I now come to the other remaining oath—namely, the oath of supremacy. This oath at that period consisted of two parts—the one affirmative, the other negative. The affirmative part asserted the supremacy of the Crown—the negative part asserted that no foreign prince, prelate, or potentate has, or ought to have, any jurisdiction, spiritual or temporal, within this realm. The Parliament of that day abrogated the former portion of the oath, and retained only the latter. Therefore, during the whole of the reign of William III., the only oaths required to be taken were the simple oath of allegiance, which we now take, and the oath of supremacy, which we also now take. In addition to these oaths, it was deemed important at that time that a re-settlement of the Crown should be made; and, accordingly, in the first year of William III., the Crown was again settled by Act of Parliament. But, my Lords, no oath was imposed to confirm or support that settlement. The great men of that day did not think it requisite to do so. Thus matters proceeded until the 12th year of the reign of William III., when another change took place. In consequence of the death of Queen Mary, and in consequence, also, of the death of the Duke of Gloucester, a new settlement of the Crown became necessary. The Crown was then settled by Act of Parliament upon the Electress Dowager of Hanover and the heirs of her body, being Protestants. This, in substance, was the settlement of the Crown which now exists. No oath, however, was required by the Legislature of that day to confirm this settlement. Therefore the only two oaths which had to be taken during the first twelve years of the reign of William III. —your Lordships will see the bearing of this presently—were the short oath of allegiance, and the negative oath of supremacy. Now, what happened in the last year of the reign of King William? The death of James II. then occurred, and his son assumed the title of King of England. He was supported in that character by the French Monarch, he was proclaimed in France as King of England, and steps were taken to enforce that claim. Then it was, my Lords, that this oath of abjuration—the subject of our present discussion—was introduced. It was designed to meet that contingency—to guard against that danger—and to uphold the Crown of Great Britain against the combination between France and the descendants of James II. This oath of abjuration, with the other oaths imposed in the reign of King William, has come down to our times. But the objects of this oath have long ceased—the descendants of the Pretender have long been extinct. What, then, is the course which every man of common sense would expect under these circumstances to be pursued? Simply to repeal the oath that had been framed for a particular purpose, and the utility of which is now at an end. And the effect of this would be to leave only two oaths, as in the reign of William III.,—namely, the oaths of allegiance and supremacy. That is the natural and rational course to take—to repeal the enactments passed for a special purpose now that that purpose has been fully accomplished, and then to leave the oaths as they previously stood. That, my lords, is the whole matter in dispute. By this Bill the oath of allegiance and the oath of supremacy, as they were framed in the time of William III., are re-enacted. But there is one addition made to these two oaths to which I beg your attention—an addition which did not exist in the reign of William III.; and it is this—an oath confirming the succession of the Crown. If I were asked whether I thought such an oath to be necessary, I should answer in the negative. If it was not held to be necessary in the comparatively troublous times of William III., how can it be necessary in the tranquil days in which we live? But in deference to the opinions of some persons this oath has been added to the others, and the whole have been combined into one form. What possible object can there be in such a proceeding? What is the difference between our position and the position of the country in the reign of William III. that an additional oath should be called for? But it is said that we are taking away something from these oaths. I deny that we are taking anything away. Why should the words "without equivocation" and "upon the true faith of a Christian" be added? For what purpose were they originally introduced? They were introduced, as everybody knows, to meet a particular contingency, in consequence of the conduct of the Roman Catholics at that time; they were introduced in consequence of the discovery of some correspondence under the hand of Garnet the Jesuit, who was concerned in treasonable plots, because it was believed they would be binding upon Roman Catholics. Why, then, is it wished to add these words to the oath now proposed? They were formerly inserted with a particular object. Do you wish to insert them in this oath in order to carry out that object? Why, that object no longer exists, for Roman Catholics are not required to take the oath. They have an oath peculiar to themselves, from which these words are omitted. This is not a question of omitting words; it is a question of inserting words; and I say it is a folly to insert words which have no application to the present time. It may, however, be said, "We wish to insert these words for the purpose of excluding Jews from Parliament." Well, is it proper that Jews should be excluded from Parliament? Let us consider what position Jews occupy. It has been said that Jews are aliens. I assert that under the law they are not aliens. I say, that to call them aliens is contrary to the law of England. Undoubtedly those Jews who came over with Charles II. in 1660 were aliens. They were born abroad, and probably all the Jews in this country in the reign of Charles II. were aliens; but can it be maintained that under our law any Jew born in England is an alien? It is equally untrue to say, that Jews cannot hold real property in England. My Lords, in consequence of some doubts having arisen on these points many years ago, a case was stated and laid before Lord Talbot, one of the most distinguished lawyers of his time, and it was put to him distinctly whether or not the Jews were aliens. The answer was distinct, uniform, and precise—that they were not aliens, that there was no pretence for treating them as aliens, but that they were entitled to hold land and to enjoy equal rights and liberties with all other of Her Majesty's natural born subjects. If, then, although they are natural born subjects of this realm, you exclude them from the privileges of natural born subjects, you pursue an improper and unconstitutional course. You ought to exclude them by Act of Parliament. Introduce a Bill for the purpose. It is the right of a natural born subject to have his case considered by both Houses of Parliament and by his Sovereign, and unless he is excluded from privileges by their joint voices, he has the same rights as any other natural born subject. What are you now doing? You are endeavouring to deprive the Jews of their rights by a side wind—by the voice of one branch of the Legislature only, and that not the representative—or, at least, not the direct representative—of the people. I say, my Lords, this is an unconstitutional course of proceeding, and one which cannot be justified. I am not merely expressing my own opinion upon this subject. When a question as to the construction of this oath was brought under the consideration of the Court of Exchequer, two of the most learned Judges of that Court—one of them now no more, but who was equally distinguished for his acquaintance with every branch of science and for his profound legal knowledge and erudition (the late Baron Alderson)—stated distinctly, that if the Jews were to be excluded from Parliament they ought not to be excluded by a side wind, but by a direct Act of the Legislature. In what position, then, do we stand? What objection is there to the admission of Jews to Parliament? I cannot understand upon what ground your Lordships would be justified in inserting the words "upon the true faith of a Christian." You cannot insert them with the view of providing any security against Catholics. You cannot insert them with the view of excluding natural born subjects—the Jews—from sitting in Parliament, for you have constitutionally no right to do so. If you wish to exclude the Jews—I repeat it again—exclude them by a direct Act of Legislation. Unless you do so you cannot, according to law and constitutional principles, effect that object. It is said, that the Jews were constructively excluded from Parliament in former times; but I do not believe they were ever considered. My noble Friend says, however, "If it had not been supposed that they were excluded, they would have been excluded." The argument then comes to this—you did not exclude them by law; if you had thought of it, you would have excluded them; and you would consider them excluded, although, in fact, you never have excluded them. My Lords, I think most of the arguments on the other side are answered by a correct statement of the facts, which in my view are conclusive. I remember that a noble Friend of mine who generally sits on the cross bench, but whom I do not now see in his place (Earl Stanhope), started an argument which has been repeated by the noble Earl (the Earl of Derby) to-night, and said, "You will unchristianize the Legislature, if you do not retain these words in the oath." I would ask my noble Friends to consider the opinions of the great men of the reign of William III. by whom the Revolution was effected, and to whom I have referred. It is said, that by striking out the words "without equivocation" and "on the true faith of a Christian," you will unchristianize the Legislature. I ask my noble Friend what reception he supposes such an argument would have met with from Lord Somers, from Lord Halifax, or any of the other great men of that day? Would they not have turned their backs upon a conception so weak and so ridiculous? It is said that, by striking out the words "on the true faith of a Christian," we are unchristianizing Parliament; but was the Parliament of William III., during whose reign these words were omitted from the oath, less a Christian Parliament than the Parliament of the succeeding reign, which was influenced and directed by Lord Bolingbroke, a professed disbeliever in Christianity? But, my Lords, when you talk of these words being so essential to keeping up the Christian character of the Legislature, let me go a little further. Let me ask, was the Parliament in the reign of William III. less Christian than the corrupt Parliament of the reign of Charles II., under a profligate King and a base and corrupt Ministry? Was the Parliament of James I.—when the oath was first introduced and these words were originally inserted—a more Christian Parliament than the Parliaments in the long and splendid reign of Elizabeth and in the brief reign of Edward VI.? Now, when you come to consider the view of the case to which I have just adverted, you cannot fail, I am sure, to regard it in the light of a mere mockery, and as having been resorted to by the opponents of the Bill in a moment of exigency, in order that they might have something wearing an air of plausibility to urge in support of their opinions. My noble Friend has also touched, although somewhat lightly, upon another argument, to which, with your Lordships' permission, I shall now proceed to address myself. By whom that argument was originally advanced I do not recollect, but it is to the effect that, if you admit Jews into Parliament, you will unchristianize the Legislature. There would, it is urged, be an inconsistency between the designation of a Christian Parliament and the admission of Jews to membership in such an assembly. Now, let us for one moment analyze that argument, and see whether it is worth anything. What, let me ask, is the meaning of calling Parliament a Christian Legislature? It is, I suppose, designated by that appellation, because it represents a Christian country. But what is the country itself? Does it consist wholly of a Christian population or not? It does not, inasmuch as the Jews form an essential part of that population. Are they not British subjects? Now, if this nation is composed of Jews as well as of Christians—the latter being, I admit, largely in the majority—what inconsistency is there in having a Legislature in which Jewish and Christian members may hold seats in a similar proportion as that which I have indicated as subsisting between them as members of one community? Jews have a voice in the return of Members of Parliament; what inconsistency, I repeat, is there in maintaining that the representative should, in the same degree, reflect the character of the constituent body? But this is not all. Are not your courts of justice Christian? Are not your municipal corporations Christian? Is either the one or the other, let me ask, to be looked upon as the less Christian, because members of the Jewish persuasion are admitted to a share in the functions which they exercise? A Christian tribunal may be presided over by a member of the Jewish persuasion. The Christian corporation of this great metropolis has, in fact, had a Jew at its head—a gentleman distinguished for his character and for the admirable manner in which the duties of his high office have been performed. We have been warned, my Lords, how we play fast and loose with principles. But if this be the principle for which my noble Friend contends, that, although Jews may fairly be admitted to discharge the civil functions, yet that they must not be allowed to form part of a Christian Legislature—if that be his principle, let me beg your Lordships to consider how it has hitherto been carried into effect. A case which involves a great principle is one in which my noble Friend cannot be permitted to play "fast and loose." What has been the course pursued in reference to the maintenance of my noble Friend's principle since I have been in Parliament? The constitution of Canada has within that period undergone alteration. We have assisted in framing the new constitution. Was that a work which was carelessly executed? On the contrary, the Legislature of Canada was one which was constructed with due deliberation. Were any of the right rev. Prelates present in this House during the debates upon the subject? Many of them were—they were necessarily present, because questions arose in which the separate interests of Protestants and Roman Catholics were involved. Did they—did we, my Lords—seek upon that occasion to enact that from a seat in the Canadian Legislature Jews should be excluded? No; and yet is not the Legislature of Canada as much a Christian Legislature as the Parliament of this country? I have been told by a friend of mine that a member of the Jewish persuasion sat in the Legislature of Canada for many years, and that that gentleman was distinguished for his high character, extensive attainments, and great general information. How are these facts to be reconciled with the views of which my noble Friend is to-night the advocate? But it may be said that it was by an oversight that we omitted to make provision against the admission of the Jews into the Legislature of Canada. That statement will not avail my noble Friend. Let us look to Australia. Is not that a Christian country as much as any other portion of the dominions of England? If so, are we to set less value upon the existence of Christianity in one part of this great empire than in another? We framed a constitution for Australia, and upon that occasion nobody came forward to say, "Oh, you must not allow Jews to sit in the legislative assembly of Australia." Nobody ventured to make any such proposition. My noble Friend has waited for the introduction of a measure such as that under our notice, to urge upon your Lordships the adoption of the principle for which he so zealously contends. But I may go further. I may allude to New Zealand, to the Cape of Good Hope, with respect to both of which colonies a course similar to that which I have just been describing was adopted. No attempt was made to exclude Jews from a seat in the Legislature of thos countries. It may be said, "Oh, we could not have provided for their exclusion. Parliament would not have consented to such a proposal." Well, if you, the opponents of the present Bill, make that admission, does it not furnish one of the strongest arguments against the course which you are now pursuing which it is possible to advance? You dared not venture to propose a clause in any of those instances which I have mentioned to effect that boldly and broadly the accomplishment of which has been effected in this country by a side wind, through the medium of an oath, which you seek for that reason to uphold. There is another topic in connection with this question which has been introduced by a learned Friend of mine elsewhere, and which has been adopted by my noble Friend, to which I wish briefly to advert. The proposition which it embodies was, it appears, received with loud cheers, and it is as follows. Alluding to the object which the authors of this Bill desire to promote, the learned Gentleman to whom I refer said,—"This is not a question of religious liberty, it is a question of power." Now, my Lords, let us analyze that proposition, and see what it means. What is the meaning of the term "religious liberty" in the sense in which my hon. and learned Friend used those words? It means nothing more than religious toleration. But will any man tell me now-a-days that is the full and true interpretation of the phrase? Has not the doctrine which would attach to it simply that meaning been long since exploded? Religious liberty, as the term is now understood, means that no man's religious opinions, unless they happen to be fraught with danger to the State, or some other paramount cause, ought to affect his right to eligibility to fill any civil office. That I conceive to be the true doctrine, and that doctrine involves the question of power, so that my hon. and learned Friend, able and upright as he is, has, I think, taken a somewhat erroneous view upon the subject. I may now remind my noble and learned Friend on the woolsack that he two years ago introduced a Bill, the object of which was to strike out of the Statute-book several penal enactments upon the subject of religion. The preamble of that Bill set forth in the most distinct terms the doctrine which I have just submitted to your Lordships' consideration. It was read a second time, and no objection whatever was urged against it. It did not, however, pass into a law, because, in consequence of the great prolixity of its details, it was deemed advisable to refer it, not to a Select Committee, but to a tribunal of an entirely different character—I mean the Statute Law Commission, a body composed of men of the highest legal attainments, by whom some of its enacting clauses were amended. They, however, returned the Bill with its preamble unaltered. I have another case, infinitely stronger—a case in which the Government, the country, and the Parliament concurred in establishing the principle which I have stated, and which will be fresh in the recollection of my noble Friend, the noble Earl opposite (the Earl of Aberdeen). It is well known that at one time Christians were not allowed to hold office in the Turkish dominions. Our Ministers argued with the Government of Turkey, and stated to them what was the true principle of religious freedom. The Turkish Government yielded to these arguments, and pronounced a decree—the celebrated hatti sheriff—putting Christians precisely upon the same footing as Turks with respect to all civil offices. That measure was not only sanctioned by our Government, but was approved by Parliament, and I will undertake to say was regarded with satisfaction by the whole country. Can there be a stronger sanction of a great principle than that approval. If we lay down particular rules to foreign States, especially to States imperial in power, and if they find that we do not act upon the same principles ourselves, but allow our prejudices or our interests to interfere, they will lose all their respect for us and stamp our conduct with their disapprobation. Again, nobody now pretends to say that Jews are not in point of information and intellectual power upon a footing of perfect equality with their Christian fellow-countrymen. We have put them upon their trial. During the last thirty years they have acted as magistrates and members of municipal councils, and they have not been found wanting. It is said, however, that such is not the best school in which to train and form those who are to do the work of legislation. Nevertheless, it is by acting as magistrates and members of municipal councils that a large proportion of the national representatives acquire that knowledge and experience which fit them for the discharge of their Parliamentary duties. The question has been asked, how could a member of the Jewish persuasion speak or vote in Parliament upon religious questions? I answer, in the first place, that, of course, he would not interfere in any question of doctrine; but I can give a much more complete and satisfactory reply. When the Roman Catholic Relief Bill was before Parliament it was urged with much ability and some degree of force that the Roman Catholics were hostile to our Church, regarding us as the wrongful possessors of their property; that it was a passion with them to make proselytes, and that they professed allegiance to a foreign Sovereign, who might at any time declare war against England. These were weighty arguments, and I recollect the impression they made, having myself taken part in the discussion; but what was the result? We all felt that there might be some inconvenience and even danger in the course recommended to us, but we said that the great principle of reason and of justice ought to triumph, and accordingly it did triumph, the Bill was passed, and those evils that were anticipated turn out now to have been greatly exaggerated. That was the case with respect to the Roman Catholic Church. What is the case with respect to the Jews? They have no hostility to us or to our religion; they do not desire to make converts; they always treat our religion with respect, they owe no allegiance to any foreign Sovereign, they have always been peaceable and loyal subjects. My Lords, there are several other points to which I intended to advert, but I am afraid I cannot proceed any further. My strength is exhausted; I cannot bear the fatigue any longer. It is twenty-five years since a measure similar to the present—at least, similar in its tendencies—was introduced in a speech of great ability by a late learned Friend of mine, upon whom, my Lords, I passed some words of eulogium when addressing your Lordships on this subject during the late Parliament. Those words I will not now repeat—I will content myself with saying that there never was a sincerer Christian or a man of sounder judgment. In successive Sessions of Parliament and in successive Parliaments the measure has been brought forward and carried by large majorities. I find among those majorities men of all parties and of high attainments, statesmen of the first character, philosophers, and men of profound learning—men whose example is worthy of all imitation. During the late elections the subject was presented to the different constituencies of the country, and in the metropolis itself, the chief seat of the Government, a member of the Jewish persuasion was returned, for the third or fourth time, by a majority larger than that which polled for a noble Lord who had fought the battle of religious freedom, and had long deserved well of the country. I do not suppose that the noble Lord objected to the circumstance, but, on the contrary, regarded it as a mark of the strength of the feeling which the constituency of London entertained upon this important subject. When the present Bill was brought before the new House of Commons, it received the support of a majority nearly double that by which it was carried upon any former occasion. Now, my Lords, I think that these facts are not to be disregarded or lightly considered. I have sometimes ventured to state my opinion as to the relative duties of the two Houses of Parliament, the one representing the great mass of the constituencies, the other not representing the people, but rather what may be termed the Conservative influences of the constitution. My Lords, I have always considered the duty of this House to be to mature all plans of sound legislation—to serve as a check against the rash, hasty, and unwise proceedings of the other House, and to give time for consideration, and even for the abandonment of improper measures. I have never thought, however, that this House ought to be a perpetual barrier against sound and progressive legislation. No wise or prudent man can approve such a course. It must lead to a conflict with the other House, and in that conflict, unless we are supported by a great majority of the people, we must succumb. It is with great submission that I have ventured to make these observations. I hope that in doing so, I have not said anything inconsistent with the respect which I feel for your Lordships. I have been now for more than thirty years a Member of this House. I have taken an active part in all those measures which have been brought forward during that time for the purpose of extending the principle of religious freedom. I have myself been the originator of some of them, and I hope I may be allowed to say, that I feel a just pride in the course I have taken. My Lords, we have now arrived at the last stage in our progress towards full and perfect religious liberty. Let us not halt in our career. Let us not lag behind, on this subject, the other Protestant States of Europe. Let us maintain our old position in the van of the nations, and let us now make our last and crowning effort in the great cause of civil and religious liberty.

The Earl of WINCHILSEA: My Lords, in 1829 we abandoned the Protestant character of our constitution; but I did not think I should live to see the day when it should be proposed to banish Christianity from the Legislature. If this Bill had merely contemplated the abolition of obsolete portions of an oath, I should have given it my cordial support. I regard it, however, as a side wind by which to remove from the Statute-book that Christian oath which no man can enter this Christian Legislature without taking, for it proposes to admit to it Jews, who deny the authenticity of the New Testament, who look upon our religion as an empty pageant, and upon its Divine author as a base impostor, and I must therefore give it my most decided and uncompromising opposition. Christianity is the great protection of the throne and of the laws of this country, and God grant that, by the firmness of your Lordships, it may long continue so. Towards the Jews I entertain a Christian feeling, and if any remaining disabilities were to be removed—if they were at all impeded in the enjoyment of their religious liberty or in the possession of their property, I would vote for the removal of all such restrictions ; but, my Lords, I consider that the Jews have had conceded to them every civil privilege which they are entitled to ask. The Legislature has only stopped short in concession when the Jews have sought to enter Parliament, because your Lordships have declared the perfect absurdity of admitting men to frame laws who deny the very foundation of them. This is not merely a civil question—it exceeds in the deep religious interest involved in it any other question that has ever come before your Lordships. If your Lordships pass this measure, which is opposed to the deeply-seated feelings of the people of this country, beware how you court that heavy judgment which has befallen the Jews. Although 1900 years have nearly elapsed, the Jews still stand out as a living monument of the Divine wrath. From the moment that you banish Christianity from the Legislature, you may not unreasonably date the decline of England's prosperity; for prosperity does not depend on the acts of great and leading men in the country, but upon the mercy of the Divine Disposer of Events. There is much, my Lords, to make us apprehensive with respect to our prosperity as a nation. In the East events are lowering, and those colonies which were once an element of strength to us may become an element of discord. I trust that your Lordships will stand between the Lower House of Parliament and the passing of this measure, and that, independently of all other feelings but a sense of duty to God and your country, you will reject this Bill.

The Duke of SOMERSET said, that their Lordships would remember so many occasions on which the noble Earl who had just sat down had predicted the ruin of the country—all of which predictions had been followed by a large increase of national prosperity—that he did not imagine they would be much alarmed at the prophecies which he had uttered on this occasion. He should therefore address himself to making a few observations on some of the remarks which fell from the noble Earl who had moved the Amendment, and, in doing so, should principally confine himself to that which was, in the mind of the noble Earl and of most other noble Lords, the main question—namely, the question of the admission of the Jews to Parliament. The first position which the noble Earl laid down was that the Jews were a different nation. Why, then, did we make them magistrates, why put them into our municipal corporations? Why, above all, make them sheriffs of counties, the immediate representatives of the Queen in Council? Nay, not only might a Jew be a sheriff, but if he refused to act in that capacity, saying that he was of another nation, he was fined or compelled to serve. The noble Earl was willing that the Jew should exercise all these important functions, but when he knocked at the door of Parliament, and asked for his fair share of political rights, the noble Earl turned round and said, "No! you shall not come here; you are of another nation." Then the noble Earl said that the Jews were not persecuted. When the Roman Catholics laboured under disabilities, the noble Earl himself called it persecution; why, then, was it not persecution in the case of the Jews? The noble Earl also said that there was no danger now. There was danger in the time of the Catholics,—6,000,000 of them thundered at the doors of their Lordships' House, and then they yielded; but in the case of the Jews there was nothing but the claims of justice, so they were told not to yield. Was that generous ; nay, was it safe? There was danger in injustice, although it was injustice to only a small number of persons. It was said that the adoption of this Bill would unchristianize the Legislature ; yet for nearly twenty-five years this measure had continually been carried through the House of Commons, and during all that time that House had been more distinguished for its attention to disseminate Christianity and to promote the religious education of the people than at any previous period of its history. But more than this, when the noble Earl opposite, who now said that the effect of this Bill would be to unchristianize the Legislature, wanted to form a Government, this notion about maintaining the Christianity of the Legislature was thrown over immediately. It was in no way insisted upon by the noble Earl as one of the principles upon which his Government was to be formed, for his leader in the other House was an unflinching advocate of this measure. The noble Earl, too, on such occasions, had sought the assistance of men of different parties, and Lord Palmerston's support of this measure was no impediment to his being asked by the noble Earl to take a seat in his Cabinet. A great deal more would be said about foreign affairs than the Christianity of the Legislature in the conversation which took place between them. Was it wise, he would ask, thus to make Christianity a party watchword, to be shouted out at one time, and to be cast away at another, just as it suited the political convenience of the noble Earl? He had heard it said, though he could scarcely believe it, that some Roman Catholic Peers were about to vote against the measure. He remembered sitting on the steps of the Throne, and listening to the first speech which Lord Plunket made in that House on the Catholic question—"Shall I," said that noble Lord, "who have been raised to the Peerage, put my shoulder to the door to prevent the Duke of Norfolk from coming into this House?—I would rather throw it open wide." He hoped the Roman Catholics would follow the example of Lord Plunket on that occasion, and assist in throwing open the doors of the Legislature to the Jews. The country was now well prepared for the measure; it had been discussed for the last twenty-five years, and he hoped the time was come when it would pass into law.

THE DUKE OF NORFOLK: My Lords, it may be convenient, after the allusion which the noble Duke (the Duke of Somerset) has made to my name, for me to state the course which I am prepared to pursue upon the present occasion.

My Lords, the Bill before us, however it may be endorsed, I consider simply as embodying the principle of the admission of the Jews into Parliament. It has been so treated in another place—it has been so treated throughout the discussion this evening. My Lords, of that principle I completely approve. I cannot conceive how, in a country where a diversity of religions is permitted by law, and where the electors also are permitted to profess a diversity of religions, it is fair to prevent them from electing any person whom they consider a proper and fit person to represent them in the Government of the country.

My Lords, I consider that it is an act of justice to admit the Jews into Parliament, and I consider that it is also an act of expediency; for I can conceive of nothing more unseemly, if I may be permitted the use of that word, than a constant difference of opinion between this House and the other House upon the question whether a few Members may be admitted into that House. I am aware that it is treated as a question of principle, but I cannot but conceive that the question of justice and expediency is to be considered in the matter; and, advocating the question as a matter of justice and expediency, I cannot forget that it is owing to the principle which I advocate that I have the honour of addressing your Lordships upon the present occasion.

But, my Lords, while approving of the principle of the Bill now before your Lordships, I must state that that Bill possesses, in my mind, many objections. There are, to me, insuperable objections to that Bill. I shall, if it goes into Committee, be prepared either to accept or propose Amendments to the measure. As it at present stands I confess I cannot support it, but must oppose it if it goes to a third reading. My Lords, I trust, and I cannot help hoping, that there may be some chance of so altering the Bill as to induce me to assent to the third reading; but as it at present stands, I could not do so.

I have abstained purposely from saying anything which should introduce into your Lordships' discussion theological or irrelevant matter, and I have confined myself to that little which I felt obliged to say, or I could not have voted for the second reading.

VISCOUNT DUNGANNON said, he looked upon this measure as being nothing less than the unchristianizing of the country. He did not apprehend any evil effects from the few Jews who might be admitted to Parliament under this Bill; it was the moral effect in the country of the passing of such a measure to which he looked. From the moment that this Bill passed into law the foundation of our Christian faith would be destroyed. They were about to introduce into the other House of Parliament those who denied the great Mediator, and he dreaded lest such a course should draw down upon this country great and merited evils, for we never could hope to prosper if we abandoned the very foundations of that faith on which all our hopes rested. His noble Friend behind him said that the time would come when Christianity would be disavowed by the Legislature, and he feared that the success of this Bill would be a first step in that direction.

Lord CAMOYS said: If I were to consult my own convenience, and still more the convenience of your Lordships, I should not now rise to address you. As it is, I do not rise for the purpose of taking part in the general debate, but for the purpose of making some observations on the course pursued by the Roman Catholics in reference to this Bill, and in connection with the Catholic oath. And first of all, let me put myself right with the House with regard to the position that the Roman Catholics stand in, in relation to their own oath. There are many in your Lordships' House, and in the other House of Parliament, who say, that a settlement was come to upon this subject in 1829, and that that settlement ought not to be disturbed. My Lords, I fully admit that a settlement was come to in 1829, but I do not admit that settlement must necessarily be permanent. On the contrary, I maintain that the Roman Catholics are fully justified, on every fit and proper opportunity, to solicit from Parliament an alteration of their oath; and having stated their case, to leave the decision of the question to the wisdom and justice of the imperial Parliament. It is also said that the Roman Catholics were parties to the oath of 1829, and that, therefore, they have no right to quarrel with its details. My Lords, there are many of the Roman Catholics who strongly deny this statement; they say they were not in Parliament at the time, and therefore were no parties to that oath. I must candidly acknowledge that I differ from those Roman Catholics in that view, and must confess that we were parties, by consent at least, to that oath. That oath received the sanction of the Catholic Prelates; that oath received the sanction of the great leader of Emancipation, Mr. O'Connell; that oath was gladly taken by us at the time of the Emancipation Act, and that oath has been taken by us ever since; and though here and there some member may be found who had felt some doubt as to the interpretation of some passages in it, when questions affecting the Established Church have come before Parliament; yet, on the whole, that oath has been no bar to the full discharge of our parliamentary and other public duties. But then, again, I come to the same conclusion, that though we were parties to that oath, there is nothing to prevent us, at any proper moment, from soliciting from the Legislature a reconsideration of the oath, and leaving the decision of the question to the wisdom and liberality of Parliament. Now, my Lords, if ever the Roman Catholics were justified in seeking for an improvement of their oath it is now. The Bill before you affords them their best justification. Why, what does it propose to do? It proposes to strike out from the Protestant oaths two sentences, which occur also in the Catholic oath. It proposes to strike them out for the most solid and irresistible reasons; reasons so conclusive that there is scarcely any opposition to this part of the Bill. The same reasons, equally cogent, equally irresistible, apply to the same sentences in the Catholic oath. But then the answer is that we stand upon different ground; that the settlement of 1829 ought not to be broke in upon. My Lords, I will not stop to inquire into the wisdom or logic of such an answer. I am obliged to take that answer. I am obliged to take Parliament as it is, not as I wish it to be. I wish, indeed, that these unnecessary and irritating distinctions should cease, and that I might never again witness what I have lately seen, two Peers standing at the table taking different oaths, those Peers being, by the Constitution, on a perfect equality, as they are also on a perfect equality in their allegiance to the Crown, and in their devotion to their country. Now, my Lords, a word or two upon this Bill. This Bill proposes two objects; one, the improvement of the Protestant oath; the other, the admission of the Jews to Parliament. It proposes to effect the first by striking out certain sentences which are a disgrace to your oath; and it proposes to effect this second by striking out the words that keep a Jew from Parliament; and it further provides that the Roman Catholics shall not be included in its operation. Now, my Lords, that is a fair description of the Bill, and if so, judge of my astonishment when I heard this Bill described by some of the most influential Roman Catholics, as an insult, an injury, and as re-enacting the Catholic oath; and, therefore, that the Members of both Houses of Parliament were requested either to oppose this Bill, or, at all events, not to support it. Why, my Lords, by this Bill there was no insult offered or intended; there was no injury inflicted, and as to re-enacting the Catholic oath, it did nothing of the kind. It excepted the Catholics from the operation of the Bill, and left us precisely as we were before. My Lords, if this interpretation on their part astonished me, I was still more astonished as to their policy. One would naturally have thought that this was a step in the right direction, and that the example you were setting for yourselves, you could not refuse to apply to us when the proper time might arrive when we could ask that favour from you; but now our language must be this, when we ask you to alter our oath, we must induce you to comply with our request, by reminding you that in 1857 we refused to be parties to the improvement of yours. My Lords, I do not know which to condemn most, the inaccuracy of their interpretation, or the want of wisdom that characterised their policy. Subsequently, my Lords, another objection was started, which, I am ready to admit, contained the semblance of an argument. It was stated that this was a new enactment; and as it introduced a new oath, asserting that the Pope has no spiritual power in this kingdom, no Roman Catholic could vote in favour of the Bill. My Lords, if this Bill had said, "Whereas, the Pope has no spiritual power in this country;" or, "be it enacted, that the Pope has no spiritual power in this country;" or, if it asserted the sentence in question for the first time, then I freely admit that no Roman Catholic could vote for this Bill. But so far from this Bill being a new enactment, it merely continues that sentence of the oath of supremacy. This Bill consists of taking away sentences, not making new ones; so that, even if technically speaking it can be called a new enactment, in a moral sense, and in every other sense, it is a mere continuation; so much so, that vote how you will, reject this Bill or carry it, that same sentence will form a part of the oath of supremacy as it does now. My Lords, I have given every attention to every objection that has been urged by the Roman Catholics against this Bill, but after every consideration that I could give to those objections, I cannot see any reason why I, as a Roman Catholic, should not give my cordial support to this Bill. Before I sit down, let me do an act of justice to the Roman Catholic Peers. I have stated the interpretation put upon this Bill by some influential Roman Catholics, and their consequent advice upon it; now I am happy to say that I did not hear that interpretation, nor that advice proceed from the Catholic Peers. In conclusion then, my Lords, let me say, that I will vote for this Bill, for though it does me no good, it does a benefit to you; I will vote for this Bill, for though it does not remove the theoretical grievance which I have a right to complain of, it removes the practical grievance that the Jew has a right to complain of; I will vote for this Bill, because I have always voted for Jewish Emancipation in deference to those great principles of civil and religious liberty to which I owe my own emancipation; and I will vote for this Bill, because it extends that emancipation to others, that I was once in want of, and that I am now in the enjoyment of.

LORD STUART DE DECIES said, they were all agreed on this, that the expediency of admitting the Jews to Parlialiament resolved itself exclusively into a question of religious feeling, and that it was clear no political evils or inconveniences could arise from the measure now before the House. Their Lordships had been warned of the inexpediency of tampering with the Christian character of this country. He did not believe that the Christian character of the country depended upon any particular form of oath which the Legislature might prescribe for its members, but upon the Christian character of the Sovereign and the electors by whom the two branches of the Legislature were constituted. So long as they continued to be Christian there could be no doubt that the Legislature would be Christian, and if ever the nation should cease to be Christian, all tests and oaths for the maintenance of Christianity would speedily disappear. Any attempt to regulate the Legislature by a religious oath was superfluous, and the necessities of the State would be completely provided for by an exclusively political oath. He also believed that the safety of the Established Church depended not upon the oaths required of Roman Catholics, but upon the attachment of the great mass of the people to the principles of the Reformation. With respect to the Jews themselves, he could not agree that there were any peculiar reasons for excluding them from the Legislature; for although that people might be now undergoing the decrees of the Almighty, it had never been maintained that men were called upon to endorse the judgments of Heaven. On the contrary, he considered the Jews had peculiar claims upon our sympathy and forbearance; and, regarding the Bill as one of justice towards them, he would give his vote in favour of the second reading.

Earl St. VINCENT then addressed their Lordships, but was totally inaudible, that he could only be understood to oppose the second reading of the Bill.

Lord DUFFERIN said, he regarded the Bill as another step in the direction of perfect religious freedom, and upon that ground he should support it. He regarded it as a gross and palpable injustice to exclude any class of our fellow subjects from civil privileges on account of their religious convictions.

The Bishop of LONDON said, that he was unwilling to give a silent vote on the question before their Lordships, as he had for ten years held on this subject the opinions which he still professed. From the appeals which had been made to the right rev. Bench, he was afraid that there was not only in that House, but amongst persons out of it, for many of whose opinions he had the highest respect, a strong feeling that the religious character of the Legislature was concerned in this measure; but he confessed that, having looked into the measure with all the attention which he could command, and having for many years considered the question with which it proposed to deal, he could not regard it as at all affecting their religious position. He fully concurred with those noble Lords who had said that the religious character of that House and of the Legislature in general did not depend upon the maintenance of those oaths by which any of their fellow-countrymen were excluded from the enjoyment of their civil rights, but depended on the religious feeling which, he was proud to say, existed throughout the country, and which certainly had a strong echo within that assembly. So long as appeals might be made to the Christianity and the religious feeling of that branch of the Legislature, and those appeals were responded to as they now were, so long might their Lordships feel perfectly confident that they were preserving the religious character of their House. It was alleged that it would be impossible to retain in the Legislature those solemn prayers with which its proceedings were now commenced if they admitted the Jews to Parliament. Now, he had never heard that those Members of the Legislature who conscientiously abstained from joining in the prayers, believing them to be the prayers of a heretical body, had ever thought it desirable that those prayers should be discontinued, or had ever sought to destroy their Protestant character. He was quite sure, from the tone adopted by Roman Catholic Members of their Lordships' House in the course of that debate, that they would be the last to propose that because they were not themselves Protestants the Protestant character of the House should be entirely destroyed. When no bad consequences, as regarded the Protestant character of the Legislature, had resulted from the admission of so influential a body as the Roman Catholic Peers, he was sure that the apprehension that danger would result from the introduction of one or two persons of the Jewish persuasion was wholly chimerical. If the Legislature was to be unchristianized in the manner described that night, the process of unchristianizing it must be one which had been going on for a great number of years; for were their Lordships to suppose that all those changes by which the Jews had been admitted to civil rights of citizenship had been one after another steps to unchristianize the country? Were they to be told that this country was less Christian now than it was twenty-five years ago, because those changes had within that period taken place? It was his deliberate conviction, and he thought the conviction of all who had attentively considered the social position of this country, that our Christianity had been gradually deepening, and that the country was more Christian now than when those, and other restrictions of the same kind, were in full force; and therefore he could not apprehend that by the proposed change, following as it did a series of others spread over twenty-five years, their Lordships would run any danger of unchristianizing the Legislature, the evil consequences of which change, if unhappily it were by any means introduced, none would be more ready to deplore than the strongest supporters of this measure. It was a striking fact, which had been mentioned by a noble and learned Lord that evening, that the man who first mooted this question of Jewish emancipation was one whose Christian character was above all suspicion—one of the most religious public men that had ever adorned this country. Another argument used against the measure was that the Jews were aliens—people of another nation—who did not desire to make common cause with the people of this country; that they kept themselves as much separate from us as their forefathers from the Egyptians when in the Egyptian bondage, and that they were only looking for another exodus to deliver them from their position in this country. But was it true that the Jews stood so wholly aloof from us—that they had no desire to make common cause with the people of this country or join in their civil deliberations? How could their Lordships possibly think this when they saw the number of petitions sent by the Jews to the table of their Lordships' House, all expressing the desire of the Jews residing in this country to be amalgamated in citizenship with its people? The petitions under which their Lordships' table now groaned in favour of this measure, afforded a palpable proof that the Jews were not looking to a foreign land, but had a fellow feeling with their Christian countrymen, wishing to be regarded, in all respects, as their fellow citizens. The simple ground on which he gave his vote for the second reading was the ground of justice. If the thing was just, it ought to be done; and it was just, unless they could prove that the presence of those people in their Legislative Assemblies would be injurious to their Christian character. It was not enough to allege by way of objection that they would be altering the oath which was a declaration of Christianity; they must prove that the presence of the Jews would prevent them from expressing themselves and acting as Christians in their capacity as legislators. If they failed in that proof, it appeared that the admission of the Jews came before them as a claim of justice which could not be set aside. The Jew had a stake in the country; he discharged important magisterial and civic duties; he was actuated by patriotic and loyal feelings; and surely, therefore, he was entitled to his full rights, unless it was made clear that his presence in Parliament would do real and obvious harm.

THE ARCHBISHOP OF CANTERBURY: My right rev. Brother who has just sat down has given to your Lordships, with the ability which belongs to him, the reasons of the vote which he is about to give. It would be a great relief to my mind if I could take the same view of the subject as he does—first, because I should be spared the pain of differing from him, which I do with great regret; and further, I should be relieved from the necessity of giving a vote which I have never given without extreme reluctance. My Lords, in giving that vote I am not conscious of being actuated by any of the unworthy motives which have been alluded to in the debate. I am not actuated by a spirit of persecution; neither am I actuated by any feelings of bigotry against the Jewish nation. On the contrary, I hold in much esteem an individual of that nation to whom allusion has been already made, who filled last year the office of chief magistrate of this city with so much credit to himself. With that gentleman, in his official capacity, I had much friendly intercourse; and it cost me real uneasiness on the last occasion when this subject was agitated in this House that I should be obliged to record a vote against a cause in which I knew that he was interested. But, my Lords, the question before us involves a principle which I cannot consent to forego, notwithstanding the low value set upon that principle by the noble and learned Lord who so deservedly obtains so much influence in this House—the principle that a Christian nation ought to be governed by a Christian Legislature, or, in other words, that the profession of Christianity ought to be the qualification of the Legislators of a Christian nation. This principle, my Lords, is avowedly and solemnly renounced if you admit the form of oath proposed in the present Bill. We are told, indeed, that the words which affirm the faith of a Christian are often very lightly spoken; that the qualification may be taken by persons who are as little in earnest in their Christian profession as the Jews themselves. This may be so, though I hope and trust the contrary; but, at all events, the profession of the Christian faith is a homage paid to Christianity; whereas, on the other hand, I cannot but consider the rejection of that profession from the qualification of a Member of the Legislature as a reproach cast upon our holy religion. Nothing, I am sure, was further from the intentions, either of those who framed the Bill, or of those of your Lordships who support it; but I am sure that it will bear that appearance to the public out of doors; such will be the opinion of the public generally; and it will tend to lower the respect which ought to be entertained towards the Legislature if Parliament should seem to reckon it of no consequence of what Members it is composed. For these reasons, my Lords, I must adhere to the opinion which I have before maintained on this question, and support the Amendment of the noble Earl.

THE EARL OF ALBEMARLE observed, that the kingdom of Bavaria had, in common with ourselves, adopted a system of proscription against persons of the Jewish religion, and he found, on comparing the census of 1800 with that of 1850, that Bavaria had lost nearly one-half of its Jewish population, who had emigrated to America, where they enjoyed the advantage of civil equality. He would ask their Lordships to consider the benefits which had resulted to America from the adoption of a tolerant policy. He understood that there was scarcely a great town in the United States without a synagogue, and it was stated by the American Geographical and Statistical Society that the city of New York alone contained a greater number of Jews than the whole United Kingdom. A century ago, when Lord Chesterfield proposed a Bill for the correction of the calendar by substituting the Gregorian style for the old and erroneous system, he stated that the only nation of Europe which had not adopted the plan he proposed were the Muscovites, and he said, "It were not well that we were found in such company." So with regard to the question under discussion, he (Lord Albemarle) would say, "It is not well that we should be found in company with the petty and intolerant State of Bavaria."

The Earl of SHAFTESBURY said, he had always been opposed to the admission of Jews to Parliament; but he could not, by giving his vote against the second reading of this Bill, declare that the Members' oath of abjuration ought to remain in its present form upon the Statute-book. That oath was one which everybody disliked and which many persons took with derision, and which all wished to get rid of. The oath specified a number of things which had existed, but which existed no longer. The first part of it was laughable, and when they came to invoke Almighty God to attest that which had no existence, it appeared to him almost blasphemy. He would vote for the second reading of this Bill, rather than be a party to imposing on himself and on generations to come the necessity of taking an oath which was so repugnant to common sense and to the spirit of religion. He was speaking only for himself. He could perfectly understand that other Peers had taken a different view, most conscientiously, but his own feeling was so strong that he was ready to run any hazard rather than give his vote in opposition to the second reading of this Bill, and thereby to declare that this oath should remain unchanged. Should the Bill go into Committee, he concurred with his noble Friend who opposed the second reading, that the oath in the Bill was very objectionable, and required to be amended. But although he was opposed to the admission of Jews into Parliament, he must vote for the second reading of this Bill, and thereby affirm that this oath ought to be changed.

Lord BROUGHAM: My Lords, it will not be necessary for me to trouble your Lordships at any length, after the able and satisfactory manner in which the subject has been treated by my noble and learned Friend (Lord Lyndhurst) who has been, unhappily, compelled by indisposition to leave the House. My Lords, the noble Earl who last spoke (the Earl of Shaftesbury), is more admirable in his consistency than my noble Friend who has moved the Amendment; for while the noble Earl fully concurs with my noble Friend in utterly repudiating the oath of abjuration, and in regretting its retention on the statute-book—and I entirely agree that the oath is utterly offensive to common sense and decorum, and think that it is almost blasphemous—my noble Friend, I regret to say, while evidently approving of nine-tenths of the present measure, has moved an Amendment, which will, if adopted, lead to its entire rejection. I think that the far better course would have been, that my noble Friend should have assented to the second reading of the Bill, and then in Committee have proposed such changes as he wished to effect in the details of the measure. Now, as to the question of intolerance; I say it is intolerance when we refuse access to the honours of the State, to the powers of the State, and to the various functions and offices of the State, to any body of our fellow citizens, upon the ground of their religious opinions or their religious faith. My noble Friend, in moving the Amendment, seemed to argue that the Jews could not fairly complain of the disability under which they labour, because, he contended, no person or class in the State had any inherent right to hold office — that office was necessarily confined to a few, and therefore that there was no deprivation of a natural right. But what we complain of — what I complain of—is, that whereas all persons have a right to be considered equally eligible to hold office in the State, either when selected by the favour of the Crown, or when selected by the choice of their fellow-citizens, a particular class are excluded, on the ground of their religious tenets, from being eligible in any way for certain offices in the public service. And why are they ineligible? It is because of their honesty—because they conscientiously hold certain opinions on matters of religion, and will not give them up, or pretend not to hold them. If they were not only Jews but hypocrites, they would be admitted.

My Lords, your Lordships have heard a great deal of the effects of this measure if it should pass. We are told that it will unchristianize the Legislature. If that be really its effect, in what an unhappy state is the Legislature of this country whether it should pass or not. If your Lordships reject this Bill, you will preserve your Christian character unimpaired; but, alas! what will become of your colleagues in legislation, the Members of the other House of Parliament? What will be the position of the unhappy Commons? Your Lordships' estate is, no doubt, comfortable and gracious; but the wretched Commons have passed the Bill by a large majority, and have surely reduced themselves to a state—I will not say of absolute perdition—Heaven forbid that I should suppose any portion of our Legislature could reduce themselves to a condition so lamentable!—but surely their estate must be most ungracious. They are, by this argument, no longer a Christian assembly, for they have—by no narrow majority, but by a large and overwhelming majority—declared in favour of a course which we are told will unchristianize their House, and if adopted by us will unchristianize the whole Legislature.

Passing, however, from a view of the case fraught with such unpleasant considerations, I will remind my noble Friend (the Earl of Derby) there is not, in reality, at this moment even that security for the Christian character of the Legislature which is supposed to be obtained by the insertion of the words "on the true faith of a Christian." The oath taken by a Roman Catholic, whether Peer or Commoner, does not contain these words; and my noble Friend opposite (the Duke of Norfolk) did not, before he took his seat in this assembly, declare that he was a Catholic or a Christian at all.

The Earl of DERBY said, that the Clerk at the Table might have called upon the noble Duke to make a declaration to that effect.

Lord BROUGHAM: My noble Friend has made that statement I will not say with his usual accuracy—nor yet will I say with more than his usual inaccuracy when heated by controversy. The Clerk at the Table has no right to administer or to offer to the noble Duke, or to any other Roman Catholic Peer, any other form of oath than that which the Roman Catholic Relief Act provides shall be taken by the members of that persuasion; and that oath I maintain does not contain the slightest security that the taker is a Roman Catholic or a member of any Christian community whatever. In the instance, then, of the Roman Catholic Relief Act, no precaution was taken by those who framed the oath to preserve that Christian character to the Legislature for which the opponents of this Bill are now so zealous. My noble Friend (the Earl of Derby) replying to the argument that the exclusion of the Jews had arisen from accident, argued that this was not the case, because, he says, when this oath was first framed, no Jews were permitted even to live in England, and that therefore the whole policy of the realm negatived their admission into the Legislature. But the real test was what would have happened before the 12 *Will.* III., when these words were reinserted into the oath, and if at that time the subject had been brought under discussion, would any one have proposed an Act with the preamble that, "whereas the number of Jews has lately increased within this realm, and it is desirable to exclude them from sitting in Parliament," and then going on to enact this test? I venture to say that no one would have dreamt of proposing so preposterous an enactment. But if the argument is good that a Legislature which does not insist upon the presence of these words in the oath is unchristian, the consequence is inevitable that the Parliaments of Charles II. were Christian Parliaments, and the Parliament of the first twelve years of William III. were unchristian Parliaments. But I think few will say that the Parliaments of that period were less Christian than they have been since, or even than in the time of Charles II. Does any one think with more veneration of the Parliaments in which sat men with the morals of Sedley and Rochester, and the religion of Shaftesbury and Lauderdale, than of the Parliaments which were adorned by the pure morality of Somers, the learning and piety of Tillotson and South and Burnet? I will avow my preference for the Legislature which did not insist on the words "On the true faith of a Christian," over those in which they were taken without shame or scruple. There seems to me, my Lords, something not only repugnant to principle but singularly inconsistent and impractical in every provision we make in the nature of a test. The moment we attempt to impose a test we involve ourselves in inextricable contradictions. One instance I have already given—the Roman Catholic oath. We have abolished the sacramental test, than which nothing could be more profane, nothing more tending to desecrate the sanctity of religion—and have substituted a declaration. The present form of sanction is open to the same objection—the same in principle though not, perhaps, the same in degree—while the character which we seek to secure to the Legislature in no way depends on their retention. True, this is a Christian Legislature; but it is a Christian Legislature because it is elected by a Christian people. And then it is not more Christian than it is Protestant; and who believes that Parliament has lost its Protestantism since 1829? Notwithstanding the Act then passed, I am glad to believe that during the last quarter of a century, not only has the Christian character been retained, but that great progress has been made even in advancing the Christian character of the Legislature. But in producing this result, tests and restrictions have exercised no influence whatever.

My Lords, when I hear such extravagant professions of zeal to prevent our religion from suffering by a very small extension of toleration, I cannot help reflecting upon the course pursued in matters affecting the Christian Church by some of the largest dealers in such professions. I do not express the least doubt touching the consistency of the preaching on this subject with the practices of my right rev. Friend (the Bishop of Oxford), whose opposition I much fear this measure will have again to encounter, and who bears a name towards which affection and veneration strive for the mastery in my bosom. Neither can I for a moment suspect the most rev. Primate who has declared himself against us, but whose arguments have availed little in comparison with those so ably urged on our side by my right rev. Friend near his Grace (the Bishop of London.) But how was it with such vehement asserters of the same doctrines and promulgators of the like alarms, and the like tender care of our Christian character, when an attempt, haply successful, was made to free the constitution—the practice of the constitution at least—from the crying scandal of the Sacramental Test — that intolerable desecration of the holiest service of our Church, which had actually led to an aged Lord of the Bedchamber, when made to go through the ceremony, as, he believed, but on returning home and describing what had passed, it was found that he had been involved in the service of churching a woman after child-bearing. But this Sacramental Test so desecrated was proclaimed to be absolutely necessary for preventing the Legislature from being unchristianized. The most zealous supporter of this, once filling the office now held by my noble and learned Friend (the Lord Chancellor), contended that the declaration substituted for it gave no kind of security because it contained no asseveration of the party being a Christian—and his Lordship told the right rev. Prelates, who supported the Bill, that they were pulling down the Church about their ears—the Church of which he professed being a pillar. One of these Prelates on that occasion asked how it happened that his Lordship never was by any chance seen inside any church—"Oh," said he, "I am a buttress, an outside pillar." But it was not in that repartee only, nor in the undoubted fact to which it related, that his practical indifference was shown. I well remember that when the prayers were said in this House, no sooner did the Bishop begin than the noble and zealous Christian put on his spectacles, drew his letters from his pocket and read them during the whole time of the service. Such is the coldness towards sound religious observances of those whose intolerance, inflamed by their zeal, makes them terrified at the risk which we run of becoming unchristian, the moment we cease to make men's religious belief the test of their fitness to sit in Parliament—in the House where such scenes as I have described daily occurred.

My Lords, nothing has been more satisfactory to me, in one respect at least, than the turn this debate has taken. There has been a total abstinence from allusion to that greatest of all crimes, the death of our Saviour, and to the irreverent and offensive expressions used towards him—offences in which only a small part of the Jews were concerned, and from which the great body of the nation stood apart. The crucifixion was, in fact, the deed not of the great bulk of the Hebrew people, but of a comparatively small portion, the Western Jews, the Eastern remaining wholly aloof from it; and no one ever hears expressions of irreverence, much less of insult, from the Jews of the present day.

My Lords, I am ashamed to have trespassed so long on your Lordships' attention. I must, however, before I sit down, add one further remark. Who doubts—who can doubt—that the Jews have failed in obtaining access to the constitution, not on account of their own demerits—not on account of any rational principle—but because, unhappily for them, and unhappily for us, they are small in numbers compared with those to whom justice has already been done;—unhappily for them, because it has led to so long an exclusion from their rights; unhappily for us, unhappily for our character—because I fear there can be but one explanation of this diversity—that we are prone not only to spare but truckle to the haughty, and to trample upon the humble.

The Bishop of OXFORD (who rose amid cries for a division) said, it would be very inconsistent in him to detain their Lordships for any length of time at that period of the debate, because he was one of those who joined in the cry of "Question" before his noble and learned Friend who had just sat down addressed them, and right glad should he have been had they then divided. But after the new wind, so to speak, which the debate had taken, and after the totally new aspect in which it had been presented to their Lordships by his noble and learned Friend, he should not be altogether satisfied to vote without saying a word upon the subject. It did seem to him to require all the consummate abilities as an advocate which still so signally marked the great powers of his noble and learned Friend, when at this stage of the discussion he ventured even to persuade himself that he could make any of their Lordships believe that they were really discussing the merits of the oath of abjuration, and not the admission of the Jews. The noble Earl who preceded his noble and learned Friend, not so practised in the great histrionic art, manfully laboured in pain and sorrow under the awful task which he had undertaken; because he must have felt, and he (the Bishop of Oxford) saw in every word that he spoke that he did feel, that his soul was so possessed with the exceeding wickedness of this oath of abjuration, a wickedness trembling on the very edge of the great sin of blasphemy, that it was difficult for himself and for others, knowing his principles, to understand how he had remained for many years a Member of both Houses of Parliament, repeatedly taking this almost blasphemous oath, and yet never endeavouring by a single argument, by a single protest, by a single vote to remove from his own conscience, or from the consciences of other Members of the two Houses of Parliament, this great sin which was being by them so perpetually repeated. The noble and learned Lord who followed him, however, boldly facing this great difficulty, endeavoured in the most practised manner to lead their Lordships away on an altogether false scent, giving them the cry of the field that the game was in that direction, when every one of their Lordships had seen it break cover in the other. He really thought that their Lordships might altogether dismiss from their minds the great apprehensions which had been conjured up at the very moment of a division. The very worst that could be said of this oath was, that it was superfluous and unnecessary. There was in it nothing approaching falsehood. Every one did deny that there was in the branch of the Royal family mentioned in it any one who could claim against Her Most Gracious Majesty the right to the Royal throne of England, and called God to witness that he avowed his belief and was prepared to act upon it. It might be superfluous; it might be an oath which circumstances no longer rendered necessary; but when they were told that if they acted in a straightforward manner they would, instead of moving or supporting the Amendment before the House, endeavour to insert the words which they believed to be necessary in the other oath, was not that really a false pretence? Did they not know that in a place which he must not mention that attempt was made, and if there had been in that place any *bonâ fide* intention to suffer this question to be debated those words would have been inserted? Therefore must they not all understand that the meaning of this proposition was simply that they should pass the Bill, putting in these words, that the words should be struck out in another place, and the Bill sent back to them so late that it would pass without these words, and they should fall into the plainest and most undisguised of traps? He would only say, surely the trap was set in vain in the sight of any bird, even although it were one of the anserine order.

He thought he might also dismiss another large part of his noble and learned Friend's oration, in which he pointed out the great danger which was incurred, because the clerk at the table could not interrogate the noble Duke (the Duke of Norfolk) as to whether he was or was not a Roman Catholic. The words of the Act of Parliament imposing the oath to which his noble and learned Friend had referred, distinctly stated that any Peer professing the Roman Catholic religion should take such an oath, and the act of stepping forward to take it was in itself a profession that he was of the Roman Catholic religion; therefore he thought that all this argument of his noble and learned Friend might be swept to the wind, and that they need not be at all afraid of any Jewish potentate sneaking into their Lordships' House and taking the Roman Catholic oath. From this, as it seemed to him, false pursuit, he turned to the great question before them. It had been argued by a right rev. Friend of his that this was a claim of justice, and therefore, as religious men, they were bound to grant it. If it were so, he, for one, would say, "Come what may, be there what danger there may behind, if you can make out a claim of justice, let everything else in this world perish and let justice be done!" But he altogether denied that this was a claim of justice. On what ground could that proposition be maintained? His noble and learned Friend tried with the utmost subtlety of his most subtle intellect to set aside the plain and common sense doctrine which the most rev. Prelate behind him (the Archbishop of Canterbury) so distinctly enunciated. If the noble and learned Lord's argument were sound, the Statute-book was full of rank injustice. Why were the clergy of the Established Church excluded? Why were the Roman Catholic priesthood excluded? If the statement of the noble and learned Lord were correct, it was the greatest injustice to exclude them. But it was not an injustice, because the right to sit in Parliament was not granted to a man as a benefit to himself, but as a trust for the nation; and the question was not whether a man would be benefited by receiving the right, but whether the State would be benefited by the exercise of it. The noble and learned Lord maintained that it was contrary to the principle of toleration that men's religious principles should be the ground upon which this privilege was refused to them. But this was a misrepresentation of the principle of religious toleration. This principle was, that where there was a conscientious opinion that the religious principles professed by those who come forward to claim the privilege were not such as to make it improper that they should be intrusted with the privilege of sitting in Parliament, then they ought to grant it and not capriciously to refuse it merely because they differed from them in religious belief. In the direction of a common Christianity he thought the line had been carried as far as was possible in allowing men to aspire to the duties of a senator in a Christian Legislature. But it was adopting quite a new line to say that they would let into the Legislature those who were not Christians. He repeated, this was not the same line, but a new line altogether. The promoters of this Bill ridiculed the idea that it would unchristianize the Legislature; but to his mind it was a natural and unavoidable result. The noble and learned Lord had expressed an almost dangerous amount of self-satisfaction at the progress in virtue and excellence made by the Legislature within the last few years; but that, after all, was not the question. He was quite willing to take the noble and learned Lord's word for his own improvement; he was quite willing to believe that the noble and learned Lord on the woolsack, the noble and learned Lord himself, and other ex-Chancellors, were better than their predecessors—that they were inside pillars, whereas the others were nothing but outside buttresses—that they did not read their letters while the junior Prelate was reading prayers—but that, after all, did not constitute the great question whether the Legislature was or was not a Christian Parliament. The meaning of a body being a Christian body was this—Did its members profess to be governed by a Christian standard and Christian doctrine in the judgment which they formed on all matters which came before them? Of course they could not undertake to say what a man's private opinions might be. There might be good and bad men, hypocrites and true men among them—that it was impossible to avoid; but the point was, what was the professed ground upon which they legislated? If men were admitted into the Legislature who professed that the faith of a Christian was to be the great principle which was to dictate all the conclusions to which they were to come as legislators, they might be deceivers, but if they were, it was in the teeth of their professions, because they professed to be Christian members of a Christian Legislature, whereas they were unchristian members of a Legislature which continued to be Christian all the same. There was a time when the Legislature was a Protestant Legislature, but it was so no longer, otherwise no noble Lord could rise in his place and claim to take part in their legislation, denying that he was a Protestant. In the same manner if this Bill were adopted, and if men were suffered to enter Parliament and take part in legislation who denied that they were Christians, even though it were only one man, the whole standard of the legislative body was altered to the profession of that one man. It would be idle to appeal any longer to Christian principle when there sat in the Legislature, in perfect equality with the rest of its Members, a man who denied that it was in any way bound by Christian principle. It was that which the nation had settled should be for it the principle upon which its representatives should be elected which made the Legislature either Christian or unchristian. The argument of the noble and learned Lord went indeed so far as to say, that if toleration were carried to a proper extent no man could be excluded from the Legislature because of his religious belief. Were their Lordships prepared to admit all the consequence of this argument? Were they prepared to open the doors of the Legislature to a man professing the doctrines of Mormonism, who might come into Parliament for the avowed purpose of propagating Mormon doctrines and the practices of Utah? There must be a limit somewhere, and the limit which had hitherto been taken was the profession of the faith of a Christian: but now Parliament was asked to remove that limit, and lay down a principle, which, if it admitted our Jewish fellow-subject, must also admit our Mahomedan and Hindoo fellow-subjects, and even those who denied the existence of any God and of a future state of rewards and punishments. But their Lordships, he was sure, were not prepared to take such a step; they would not consent, he felt convinced, to sanction the introduction of such a pestilent imposture under the shadow of the great truth of religious toleration. Then, it was argued that it was too late to refuse to the Jew a share in making laws when we had allowed him to administer them. No two things could be more widely different. The administration of the law might be entrusted to any man of sufficient education, whose honesty, principles, and integrity, could be relied on, whatever his religious belief might be, without danger; but when they came to give the same man a right to make laws for a great community, the whole matter was changed at once; because, if he was an honest man, both in making and changing laws, he would square his conduct according to what was with him, the great master truth—his religious belief. It was, therefore, impossible, in a country where all laws were made in accordance with the truth of Christianity to bring men into Parliament whose first principle was a denial in the most emphatic form of that truth. The difference between the two things was, therefore, so wide, that they could not argue from the one to the other. The conscientious Jew, because he was a conscientious Jew, would administer honestly a Christian code; but the conscientious Jew could not honestly make Christian laws. This was essentially bound up in the great truth that the centre of all Christianity was not the laying down of any philosophical system, but the trust in and love of the person of our Lord, and it was impossible to combine in legislation with men who denied emphatically that central point of our faith. He would not cast on these men any of the reproaches to which his noble and learned Friend (Lord Brougham) had referred, but it remained a fact, nevertheless, that they believed that He who died for us, and whom we believed to be God as well as man, was an impious blaspheming malefactor, justly put to an ignominious death. He asked them, could any one believe that two such opposite classes could act together in the mingled work of legislation for a Christian community? Though they had been told by the noble Earl (Earl Granville) that they had not to do with questions of doctrine or matters of religious belief within the walls of Parliament, yet he must remind their Lordships that it was not possible in ninety cases out of 100 that arose in a Christian land to shut out the consideration and influence of Christian motives. What were all those questions they had been debating lately, but questions touching the foundations of family life—what the law of Christ, rightly understood was—and how a Christian nation could continue to enjoy His blessing. Look at the questions of peace and war—the questions of morals that were raised in that House, and all the other matters to which their attention was called, and what did one and all of them reflect but those great doctrinal truths that underlaid and formed the true foundation of all their legislative acts on those important subjects? Therefore it was, that he was ready to bear the imputation of intolerance, believing that truth was of greater moment than everything besides, and that they could not as a Christian people suffer men who denied Christ, to make their laws without the most culpable inconsistency, and the most abundant danger.

THE DUKE OF ARGYLL said, he would confine the few observations he intended to make entirely to an explanation of the course which the Government had taken with reference to this matter. He complained of the unfair imputations cast upon the Government by the right rev. Prelate who had just sat down, and by the noble Earl who had moved the rejection of the Bill. So far from the Government having raised before the House a false issue, they had no less than three or four times brought under the consideration of Parliament a Bill bearing directly and not indirectly on the admission of the Jews to Parliament. They had been unsuccessful in all those efforts, and was it not right and fair on the part of the Government to bring the question before their Lordships in another form? In doing so, they raised no false issue, for they did not deny that one of the main objects of the Bill was to admit the Jews to Parliament, and the Government were only desirous of presenting it in a form which would render it acceptable to their Lordships. The noble Earl who moved the Amendment said they ought not to have mixed up those two subjects—the Amendment of the oaths, and the admission of the Jews; but it was utterly impossible in the present condition of affairs to invent any amendment of the oaths that would not raise the question of the admission of the Jews. It was admitted that the words "on the true faith of a Christian" were, as regarded the Jews, a matter of accident, and surely no one could expect that the House of Commons would consent in any new oath to re-enact those words, considering the large majorities by which they had adopted the principle that the Jews ought to be admitted. It had been said they were acting inconsistently with themselves when they admitted the Jews to Parliament and excluded them from certain offices; but there was no inconsistency in the matter, for there was a great distinction between admitting Jews to Parliament, where there was no religious duty to perform, and to those offices in which they would have to deal with matters of religion and the offices of the Church. As for the remonstrances of the Roman Catholic Peers, so far as he could see, the noble Viscount had not by that interview exposed himself to blame. Had not the noble Earl (the Earl of Derby) himself had experience of the difficulties which the head of a Government had in dealing with such questions? Was it fair for the noble Earl to find fault with Viscount Palmerston when he himself had, when Prime Minister, played fast and loose upon a question which had formed the whole principle of the Opposition? The accusation of the noble Earl was untrue and unfair. The remonstrance of the Roman Catholic Peers had reference to some words in the oath set out in the Bill, relating to the supremacy of the Pope. His own opinion was that those words were useless. The question which had been raised respecting the revision of the oaths framed at the period of the passing of the Catholic Emancipation Act was a very different and a very difficult question to deal with. The right rev. Prelate (the Bishop of Oxford) had referred to the change which would be made in the Legislature, and had asked whether Mormonites were to be admitted. The fact was, that under the present law there was nothing to prevent Brigham Young, or any Mormon who might be elected by a constituency, from taking his seat in Parliament, because they would take the oath, professing and calling themselves Christians. Could it then be said, consistently with reason and common sense, that the continuance of the present formula was necessary to secure the Christianity of the Legislature?

THE EARL OF GALLOWAY considered that the omission of the words "on the true faith of a Christian" from the proposed oath, showed that the principle of the Bill was abjuration of Christianity, and he should therefore support the Amendment of the noble Earl.

On Question, "That ('now') stand part

of the Motion ?" their Lordships *divided* :—

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Resolved in the *negative;* and Bill to be read 2ª on *this Day Three Months.*

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(PRESENT).

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Newcastle, D.
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Somerset, D.
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Breadalbane, M.
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Townshend, M.
Westminster, M.

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Gordon, V. (*E. Aberdeen*)
Hutchinson, V. (*E. Donoughmore.*)
Sydney, V.
Torrington, V.

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Manchester, Bp.

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Brougham and Vaux, L.
Broughton, L.
Byron, L.
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Campbell, L.
Carew, L.
Carysfort, L. (*E. Carysfort.*)
Chaworth, L. (*E. Meath.*)
Clandeboye, L. (*L. Dufferin and Claneboye.*)
Congleton, L.
Dacre, L.
Dartrey, L. (*L. Cremorne.*)
De Mauley, L.
Foley, L. [*Teller.*]
Glenelg, L.
Granard, L. (*E. Granard.*)
Hamilton, L. (*L. Belhaven and Stenton.*)
Hatherton, L.
Hunsdon, L. (*V. Falkland.*)
Ker, L. (*M. Lothian.*)
Kingston, L. (*E. Kingston.*)
Leigh, L.
Londesborough, L.
Lovat, L.
Manners, L.
Minster, L. (*M. Conyngham.*)
Mont Eagle, L. (*M. Sligo.*)
Monteagle of Brandon, L.
Mostyn, L.
Oriel, L. (*V. Massereene.*)
Panmure, L.
Petre, L.
Ponsonby, L. (*E. Bessborough.*) [*Teller*].
Portman, L.
Ravensworth, L.
Rivers, L.
Rossie, L. (*L. Kinnaird.*)
Saye and Sele, L.
Sefton, L. (*E. Sefton.*)
Somerhill, L. (*M. Clanricarde.*)
Stafford, L.
Stanley of Alderley, L.
Strafford, L. (*V. Enfield*).
Stuart de Decies, L.
Suffield, L.
Sundridge, L. (*D. Argyll.*)
Talbot de Malahide, L.
Truro, L.
Vernon, L.
Wrottesley, L.
Wycombe, L. (*E. Shelburne.*)

(PROXIES).

Bedford, D.
Devonshire, D.
Grafton, D.
Portland, D.
Sutherland, D.

Bristol, M.

Camperdown, E.
Carlisle, E.
Ducie, E.
Fitzwilliam, E.
Gainsborough, E.
Grey, E.
Innes, E. (*D. Roxburghe.*)
Lindsey, E.
Minto, E.
Radnor, E.
Suffolk and Berkshire, E.

Eversley, V.
Leinster, V. (*D. Leinster.*)

Bath and Wells, Bp.
Carlisle, Bp.
Chester, Bp.
Worcester, Bp.
Bolton, L.
Carrington, L.
De Freyne, L.
Denman, L.
Dorchester, L.
Dormer, L.
Erskine, L.
Fisherwick, L. (*M. Donegal.*)
Fitzgibbon, L. (*E. Clare.*)
Godolphin, L.
Howard de Walden, L.
Kenlis, L. (*M. Headfort.*)
Lismore, L. (*V. Lismore.*)
Lurgan, L.
Lyttelton, L.
Meldrum, L. (*M. Huntly.*)
Mendip, L. (*V. Clifden.*)
Monson, L.
Penshurst, L. (*V. Strangford.*)
Roseberry, L. (*E. Rosebery.*)
Stewart of Stewart's Court, L. (*M. Londonderry.*)
Sudeley, L.
Vivian, L.
Wharncliffe, L.
Worlingham, L. (*E. Gosford.*)

NOT-CONTENTS.

(PRESENT).

Canterbury, Abp.

Buckingham and Chandos, D.
Manchester, D.
Rutland, D.

Bath, M. [*Teller.*]
Exeter, M.
Salisbury, M.
Westmeath, M.
Winchester, M.

Abergavenny, E.
Amherst, E.
Bantry, E.
Beauchamp, E.
Belmore, E.
Bradford, E.
Brooke and Warwick, E.
Cadogan, E.
Carnarvon, E.
Cawdor, E.
Dartmouth, E.
De La Warr, E.
Derby, E.
Desart, E.
Doncaster, E. (*D. of Buccleuch and Queensberry.*)
Effingham, E.
Graham, E. (*D. Montrose.*)
Hardwicke, E.
Howe, E.
Lanesborough, E.
Leven and Melville, E.
Lonsdale, E.
Lucan, E.
Malmesbury, E.
Mansfield, E.
Mayo, E.
Morton, E.
Orkney, E.
Pomfret, E.
Romney, E.
Rosslyn, E.
Sandwich, E.
Selkirk, E.
Strathmore, E.
Talbot, E.
Vane, E.
Verulam, E.
Wilton, E.

Winchilsea and Nottingham, E.

Bolingbroke and St. John, V.
Canterbury, V.
Clancarty, V. (*E. Clancarty.*)
Combermere, V.
Dungannon, V.
Falmouth, V.
Hardinge, V.
Hill, V.
Melville, V.
Sidmouth, V.
St. Vincent, V.
Strathallan, V.

Chichester, Bp.
Kilmore, &c., Bp.
Lincoln, Bp.
Oxford, Bp.
Ripon, Bp.
Rochester, Bp.
Salisbury, Bp.

Abinger, L.
Ardrossan, L. (*E. Eglintoun.*)
Bagot, L.
Bateman, L.
Bayniug, L.
Berners, L.
Blayney, L.
Boston, L.
Calthorpe, L.
Churchill, L.
Clarina, L.
Clifton, L. (*E. Darnley.*)
Clonbrock, L.
Cloncurry, L.
Colchester, L.
Colville of Culross, L. [*Teller.*]
Crofton, L.
De L'Isle and Dudley, L.
De Ros, L.
Dinevor, L.
Downes, L.
Farnham, L.
Feversham, L.
Forester, L.
Kenyon, L.
Lovel and Holland, L. (*E. Egmont.*)
Moore, L. (*M. Drogheda.*)
Polwarth, L.
Raglan, L.
Rayleigh, L.
Redesdale, L.
Scarsdale, L.
Silchester, L. (*E. Longford.*)
Sondes, L.
Southampton, L.
Stewart of Garlies, L. (*E. Galloway.*)
St. John of Bletso, L.
Templemore, L.
Tenterden, L.
Walsingham, L.
Willoughby de Broke, L.
Wynford, L.

(Proxies).

Northumberland, D.
Richmond, D.

Ailsa, M.
Cholmondeley, M.
Tweeddale, M.

Aylesford, E.
Beverley, E.
Buckinghamshire, E.
Cathcart, E.
Denbigh, E.
Erne, E.
Ferrers, E.
Guilford, E.
Harewood, E.
Harrington, E.
Hillsborough, E. (*M. Downshire.*)
Macclesfield, E.
Manvers, E.
Nelson, E.
Onslow, E.
Orford, E.
Portarlington, E.
Poulett, E.
Rosse, E.
Seafield, E.
Stamford and Warrington, E.
Wicklow, E.

Bangor, V.
Doneraile, V.
Lifford, V.
Maynard, V.

Bangor, Bp.
Durham, Bp.
Exeter, Bp.
Lichfield, Bp.
Llandaff, Bp.
Meath, Bp.
St. Asaph, Bp.
Winchester, Bp.

Braybrooke, L.
Brodrick, L. (*V. Midleton.*)
Castlemaine, L.
Clanbrassill, L. (*E. Roden.*)
Clanwilliam, L. (*E. Clanwilliam.*)
Clements, L. (*E. Leitrim.*)
Clinton, L.
Dunsandle and Clanconal, L.
Foxford, L. (*E. Limerick.*)
Grantley, L.
Gray, L.
Kilmaine, L.
Middleton, L.
Plunket, L. (*Bp. Tuam, &c.*)
Ranfurly, L. (*E. Ranfurly.*)
Saltersford, L. (*E. Courtown.*)
Sandys, L.
Sheffield, L. (*E. Sheffield.*)
Sinclair, L.
Saint Leonards, L.
Tyrone, L. (*M. Waterford.*)
Wemyss, L. (*E. Wemyss.*)
Wigan, L. (*M. Crawford and Balcarres.*)

House adjourned at a quarter to Twelve o'clock, till Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, July 10, 1857.

Minutes.] Public Bills.—2° Public Health Act (Aldershot).
3° Crown, &c. Suits (Scotland); Bankruptcy and Real Securities (Scotland).

THE IRISH MILITIA—QUESTION.

Lord **CLAUD HAMILTON** said, he wished to ask the Under Secretary for War if he can state to the House whether it is intended to call out the Irish Militia regiments for training during the ensuing autumn?

Sir **JOHN RAMSDEN** said, it was not the intention of the Government to recommend to Her Majesty to call out any of the regiments of the Irish Militia. He might, perhaps, add that the rule which it was intended to follow was, that none of the regiments which were embodied during the war were to be called out during the present year for training.

RETURN OF OFFICERS TO INDIA.

QUESTION.

Mr. **NOEL** said, he would beg to ask the Under Secretary for War whether the Government will give to those of Her Majesty's officers who are ordered to rejoin their regiments in India before the expiration of their leave, on account of the mutiny in that country, a free passage, or whether they will be compelled to return there at their own expense?

Sir **JOHN RAMSDEN** said, the point to which the hon. Gentleman alluded at that moment formed the subject of communication between the War Department and the India Board. At present he was not in a condition to state whether any decision had been come to upon the subject.

Sir **HARRY VERNEY** said, he would express a hope that if a free passage were given to the officers of the Royal Army, the same privilege would also be extended to the officers of the Indian army.

PROBATES AND ADMINISTRATION BILL.

QUESTION.

Sir JOHN TROLLOPE said, he wished to ask the Attorney General a question with reference to an observation made by the hon. and learned Gentleman at the close of the evening on Monday last, when an adverse decision was given on a Vote which the hon. and learned Gentleman said would involve serious injury to the Bill then under discussion; and he added, that he should take time to consider whether he should go on with that Bill or not. The Bill to which he alluded was the Probates and Administration Bill. Having since had time for a little calm reflection, perhaps the hon. and learned Gentleman would now state if he were inclined to adopt the Amendment, or withdraw the Bill which stood for discussion that evening.

The ATTORNEY GENERAL said, he thought the question sufficiently answered by the fact that the Bill stood first on the Orders for that evening. The case was hardly one which required calm reflection on his part, because he felt confident that the House of Commons, of which it was proverbial that it rarely did wrong upon reflection, would not obstinately adhere to the error into which it had fallen.

REINFORCEMENTS FOR INDIA AND CHINA—QUESTION.

Sir JOHN PAKINGTON said, he did not see the Prime Minister in his place, but, being informed that the right hon. Baronet the First Lord of the Admiralty was prepared to answer the question of which he had given notice, he would now ask:—Whether any recent intelligence has been received as to the position and proceedings of Her Majesty's Forces in China; whether Her Majesty's Government have sent out any instructions, empowering the Indian Government to divert from their destination the troops which had been sent from this country to China, and employ them in India? If no such instructions have been sent, whether it be true that the Governor General of India has, of his own authority, acting under the pressure of events in that country, sent orders to Ceylon that the forces sent from this country to China are on their arrival at Ceylon, to proceed to India; and, whether Her Majesty's Government are prepared to tate, in the event of its being intended that the troops sent to China shall be immediately employed in India, what course they proposed to take for strengthening the British forces in China?

Sir CHARLES WOOD said, he did not know exactly to what extent his right hon. Friend wished he should answer the question as to the exact position of the forces in the Canton river. The last letters received from Sir Michael Seymour were dated the 10th of May, at which time things in the river remained pretty much as they were, no hostilities of any kind having taken place on either side. Sir Michael Seymour was waiting for the reinforcements now on their way from this country. Three gunboats had already arrived, and four others were known to be on their way from Singapore to Canton, and were in fact hourly expected at the time the Admiral wrote. Other vessels were also, it was known, on their way. As regarded the second question of the right hon. Baronet, no instructions had been sent out empowering the Indian Government to divert from their destination the reinforcements intended for China. No orders had been sent to Ceylon by the Governor General directing the forces intended for China to proceed to India on their arrival at Ceylon. It was known, however, to Her Majesty's Government that the Governor General had written to Lord Elgin asking his Lordship if he acquiesced in the propriety of the arrangement to divert the destination of these troops. Whether Lord Elgin had received this letter was not known, but, judging from the last advices received from Point de Galle, the Government supposed he had not. As the supposition upon which the last question was based had no foundation, it was unnecessary to answer it.

Sir JOHN PAKINGTON: In the event of Lord Elgin being willing to accede to such an application from the Governor General of India, has he any power or authority to assent to the diversion of those troops?

Sir CHARLES WOOD: No such occurrence as that which has taken place was contemplated by the Government when Lord Elgin left this country, and he therefore received no instructions or authority to act on such a contingency. What Lord Elgin might do, acting upon the principle of *salus populi suprema lex*, if he received an application for the diversion of the troops from the Governor General, it is impossible to say.

On the Motion that the House at its rising adjourn till Monday,

TROOPS FOR INDIA—QUESTION.

CAPTAIN VIVIAN said, he rose to ask the President of the Board of Control whether it is the intention of Her Majesty's Government to send the troops which are about to embark for India in sailing ships. Considerable anxiety and doubt existed in the country with respect to the mode in which the troops which were to be embarked for India were to be despatched—feelings which had arisen in a great measure from an apparent discrepancy in the answers which had been given by two different Cabinet Ministers on the subject. The right hon. Gentleman the First Lord of the Admiralty had stated in reply to a question from the hon. and gallant Member for Roscommon (Colonel French) that steam vessels, if they could be procured, would be employed for the purpose, and that statement had been received with strong marks of approbation by the House. In another place, however, the noble Lord who presided over the War Department was reported to have said that it was the intention of the Government to send the troops out in sailing vessels, because steam vessels could not easily be procured, and because at this time of the year sailing vessels would make the passage to India quite as quickly as, if not quicker than, steamers. Now, he felt certain that every person must feel how necessary it was that no time should be lost in expediting the departure of these troops for India, and that the passage should be made as rapidly as possible. He was by no means an alarmist as to the state of affairs in India; but he thought that the time had come when it was essential that we should assert our rule in that country in a positive and unmistakeable manner—when we should show that it was our determination to maintain it, and should convince those who disputed it; that the day of retribution would be not only certain, but speedy.

MR. VERNON SMITH said, the hon. and gallant Gentleman had mistaken the statement of his right hon. Friend the First Lord of the Admiralty, in supposing him to say that all the troops were going out in steam vessels. He believed that all his right hon. Friend said was, that some of them were to be sent by steam; so that there was no contrariety between the answer given by him and by his noble Friend at the head of the War Department. But the manner in which it was proposed to send out the troops was this:—In the first place, he should say that the arrangements for sending out troops, amounting to near 10,000 men, as reliefs, previous to receiving the late intelligence from India, were made for despatching them in sailing vessels; and they would all proceed in the course of the present month to their destination in the way originally intended. When the news arrived, these arrangements having been already made, it was not thought advisable to change them so far as these 10,000 men were concerned; but with regard to the additional 4,000 men asked for by the East India Company in consequence of the intelligence from India, the arrangements were these: that 2,000 of them should proceed in screw steam vessels, and the other 2,000 in sailing vessels. There was a great variety of opinions as to whether, at this peculiarly favourable season of the year, sailing vessels would not be the swifter means of conveyance; and it was in order to excite a rivalry between them and steam vessels, and in the hope of transporting the troops with the greater rapidity, that the arrangement specified had been made. The whole of the steam vessels were engaged to depart from this country between the 21st and 29th of July, and he hoped they would be able to make the voyage in seventy days. There should be no delay, and he could assure the hon. and gallant Gentleman that no considerations of any sort would prevent the Government from despatching the troops by the speediest means of conveyance.

SIR CHARLES NAPIER said, he regretted that the whole 4,000 men were not to be sent out in steamers, because it was absurd to suppose that sailing vessels could perform the voyage so quickly as steamers. If the steamers used their sails when they met the trade winds and lit their fires before they got into them and after they left them, they would be steaming along at a rapid rate, while the sailing vessels would be lying becalmed, and he believed that they would reach their destination quite a month or six weeks before the sailing vessels. The delay which had already taken place showed how impolitic it was of the Government to have reduced our home squadron after the Russian war; because, if the squadron had not been entirely paid off when this news arrived, the troops might have been shipped directly, and might have sailed from this country in forty-eight hours after the intelligence from India had reached it. In 1827, when Spain attacked Portugal, Mr. Canning went down to the House and stated, that the news had arrived on a Friday, there was a Cabinet Council on Saturday, on Sunday the opinion of His Majesty was taken, and on Monday the troops were in full march for Portugal. He regretted that similar despatch had not been used in the present instance.

THE RUSSIAN TARIFF—QUESTION.

Mr. J. L. RICARDO said, he wished to ask the Vice President of the Board of Trade, whether the Government have any knowledge of the details of the revised tariff of Russia? and, if so, whether they will lay them upon the table of the House.

Mr. LOWE said, that the Board of Trade was in possession of some account of a change in the Russian tariff, but that it was neither full nor explicit. He did not think that it was in such a state that it would be proper to lay it upon the table of the House; but, as soon as he received a full account, he should be most happy to present it.

SARDINIAN AND TURKISH MEDALS. QUESTION.

Colonel NORTH said, he wished to ask the Under Secretary for War, when the Turkish order of the Medjidi, the Sardinian military medal, and the Turkish medal for officers and men, will be distributed to those entitled to them. He considered that a long time had elapsed since those distinctions had been earned. The French army had received and had been wearing them for some period, and it was natural that our officers and men should be anxious on the subject.

Sir JOHN RAMSDEN said, in answer to the first part of the question, that all that rested with the Government in this country to do, as regarded the order of the Medjidi, had already been done. The list of those entitled to it was some time ago prepared at the Horse Guards and transmitted to the Foreign Office, with a request that Lord Clarendon would send it on to Lord Stratford de Redcliffe, with instructions that he should lose no time in submitting it to the approval of the Sultan; at the same time urging upon Lord Stratford de Redcliffe the importance of at once obtaining the insignia of the Order, both for the British Army and the Turkish Contingent. The same answer applied to that part of the question of the hon. and gallant Gentleman as related to the Turkish medal, which had not yet been received, but which Lord Stratford de Redcliff had been asked to lose no time in forwarding. The Sardinian medals were in the hands of the adjutant general, with instructions to distribute them immediately. The list of recipients of the Sardinian medal had been printed, and would be laid before Parliament in a few days.

Sir WILLIAM CODRINGTON said, there seemed to be much delay that was not necessary as regarded the distribution of the Turkish order of the Medjidi and the Sardinian War medal. It was on that day twelvemonth that the Crimea was evacuated. In the meanwhile, officers were leaving the army and men were dying. He hoped that something would be done, therefore, to facilitate the distribution. As it was a voluntary offer, he believed, on the part of the Turkish Government to give these decorations, he did not see any reason why the subject should be referred to Constantinople.

THE PERIODICAL PRESS—QUESTION.

Mr. AYRTON said, that the other night he endeavoured to call the attention of the House to the course the Government were pursuing, in attempting to enforce the provisions of the law against certain publications, many of which provisions might be regarded as obsolete, and some of which, in his opinion, ought not to be enforced under the circumstances in which the press was at present placed. It appeared that the Government were acting under the advice of the law officers of the Crown, but he was told that it was unprecedented to lay a copy of the opinion of the law officers before the House. The right hon. Gentleman the Chancellor of the Exchequer, however, stated, that if any particular case was brought under his notice, he would endeavour to give an explanation of it. The Government had commenced a prosecution against the *Bury Times*, and he wished to know whether it was their intention to enforce the provisions of the statutes relating to the giving of security and registration on the part of newspapers against every one who contravened those statutes. He believed that the right hon. Gentleman was not correct in the description he had given of what had occurred in the last Parliament. He (Mr. Ayrton) understood that those who desired the repeal of the duty on newspapers, did not wish to embarrass the question by discussing what should be done with respect to registration and security, and therefore the last Parliament came to no deliberate opinion on that matter. Consequently, until the Government took the deliberate opinion of the House upon it, they ought not to institute active measures to enforce the law in that respect. He would now beg to ask, whether it is the intention of Government to continue the prosecution of the publisher of the *Bury Times*, and to abstain from prosecuting the publisher of the *Free Press*, and of all other newspapers and pamphlets published without compliance with the statutes relating to security and registration?

THE CHANCELLOR OF THE EXCHEQUER said, he did not understand that it was the duty of the Government to take the opinion of the House as to the enforcement of this statutory provision, which had been law since 1815, or of any other statutory provision. It was their duty to enforce the existing law, and until Parliament altered it, they must take steps to carry the statutory enactment into effect. No alteration was made in the provisions with respect to security to be afforded by newspapers, and with respect to registration when the compulsory stamp duty was taken off; and it was distinctly explained to the House when that change of the law was effected, that the Government did not propose to interfere with those provisions. With that preliminary explanation, he would proceed to answer the question which the hon. Member for the Tower Hamlets had put to him. The Government did intend to proceed with the prosecution of the *Bury Times*, and would similarly proceed against any other newspaper which did not comply with the statutory enactments respecting security and registration. With respect to the other publication, the *Free Press*, it was not considered to be a newspaper, and therefore no proceedings would be taken against it.

THREATENED REVIVAL OF THE SLAVE TRADE.

MR. TURNER said, he had given notice of his intention to put a question to the noble Lord at the head of the Government, on a subject which was now exciting considerable interest out of doors. It was one which affected and placed in very dangerous circumstances the future trade of the west coast of Africa. This country had made great sacrifices, both of treasure and of blood, to suppress the infamous traffic in slaves on the west coast of Africa; and he believed that one flag alone of those belonging to European States was stained by floating over places where that traffic was carried on. Even Brazil, though justice had scarcely been done to that country by the noble Lord, had suppressed that traffic; and he hoped that the time might soon arrive when the Government would be satisfied that they could with propriety repeal that statute which had been so offensive to the Brazilian Government. To the surprise of the enemies of slavery in this country, a movement had been made by France to obtain a supply of labour for her West India Colonies under the name of a free emigration of negroes. Those who had had long experience of African trade knew that such an idea was perfectly unfounded, and that if the French Government attempted to convey negroes from the west coast of Africa, that would be, in truth and in fact, a revival of the slave trade. He had been informed that they had made a contract with a house at Marseilles, Messrs. Regis, for the supply of 10,000 negroes to their West Indian Colonies. He knew that that firm had establishments at various places on the west coast of Africa; and he believed that they would first attempt to get their supplies from Whydah—a place which was deeply stained with the horrors of the slave traffic in former times. The consequence of this would be, that inroads would be made into the interior, and the populace would be brought down to be shipped at that place; but it was absolute folly to suppose that there would ever be in that country anything like free emigration. The wretched creatures would be driven like cattle to the coast, and there shipped like slaves; so much per head would be paid to those who brought them. It would be, in truth and in fact, a revival of the slave trade; and he was sorry to say, that the French were not the people who had the reputation of dealing in the most humane manner with poor creatures so situate. Some years ago the French took possession of two ports, Assinee and Grand Bassam, on the coast near Ashantee. It was well known how barbarous the Ashantees were; and, no doubt, if the French attempted to get supplied at those ports, a regular supply of slaves would be brought down from Ashantee. He, therefore, wished to put the following question to the noble Lord: Whether any communication has taken place between the English and French Governments respecting the exports of negroes from the West Coast of Africa to the French Colonies in the West Indies; and whether he is aware in what manner the negroes are to be obtained?

Sir EDWARD BUXTON said, he believed it was an undoubted fact, that persons taken from the east coast of Africa had been conveyed as free colonists to the Isle of Bourbon, and that there they practically remained slaves, either for a long term of years or for their whole lives. He wished the noble Lord at the head of the Government to say, whether he knew anything of that practice.

Viscount PALMERSTON: Sir, Her Majesty's Government had information some time ago, to the effect, that a contract had been made by persons in Martinique with a French firm for the supply of 1,200 free negroes, who, it was said, were to be brought from the coast of Africa. The Government felt the full force of the objections to this proceeding, as stated by the hon. Member for Manchester. Though slavery is abolished in the French colonies, and though negroes conveyed there must necessarily by law be free men, subject to a certain period of apprenticeship, yet the importation of a number of free negroes from Africa would, in all probability, degenerate into the slave trade, as far as Africa is concerned, and be attended with all the evils of that trade. An attempt has been made to obtain free emigrants from the West Coast of Africa for our own West Indian Colonies. The attempt has, however, failed. The negroes are not disposed to emigrate and to go across the seas, and there is therefore a great probability that the French Government will be equally unsuccessful in obtaining really free emigrants, and that if this contract is carried into execution it will be productive, to the extent to which it is carried out, of a revival of the evils of the slave trade in Africa. These considerations have been confidentially communicated to the French Government. They have assured us that it is their anxious desire that this arrangement should not be productive of a renewal of the slave trade, and that every care will be taken to prevent the recurrence of such an evil. Such is the state of the question at the present time. Of course, it will be the duty of Her Majesty's Government to obtain all the information they can, so that if their fears are realized, they may bring to the knowledge of the French Government that their intentions are defeated, and that what they wish to prevent has taken place. I cannot have any doubt that the French Government would, in that case, put an end to a proceeding which would be contrary not only to all the feelings of humanity, but to those treaty arrangements which, in common with other countries, have been taken by France with regard to the slave trade. My hon. Friend (Sir E. Buxton) asks me, whether Her Majesty's Government have any information with respect to the Isle of Bourbon. We have information, but not from any authentic source, that there has been an emigration from the East Coast of Africa to the Isle of Bourbon. I cannot state to what extent that emigration has proceeded, nor can I say in what manner the negroes have been obtained.

Motion *agreed to*.

House at rising to adjourn till *Monday* next.

PROBATES AND LETTERS OF ADMINISTRATION BILL—COMMITTEE.

Order for Committee read.

House in Committee.

On the Motion that Clause 40, as amended, stand part of the Bill.

The ATTORNEY GENERAL said, he wished to bespeak the attention of the Committee while he stated the course that the Government intended to take with regard to the Amendment proposed by the hon. Member for York (Mr. Westhead) and adopted by the Committee, and with respect to which he could not but think there was some misunderstanding on the part of the Committee, and after all he was willing to admit that some portion of the blame was attributable to himself. Hon. Members who supported that Amendment no doubt did so in the desire to secure to farmers and small proprietors the supposed advantage of being able to prove wills in local districts without the necessity of coming to town. The property of farmers generally consisted of farming-stock and agricultural produce, all of which might be described as property locally situate, and with regard to which it did not seem easy to commit a fraud through the medium of proving a forged will, or a will irregularly executed, or that had been subject to improper tampering and fraudulent alteration. Such having been the views and intentions of the hon. Member and of the Committee, he desired to meet the wishes of the Committee, and should not object to alter the limits given by the clause, so as to extend it, with the view of including every case that the Committee desired to embrace by the Amendment. He felt confident, on the other hand, and many hon. Members had confirmed him in this view, that the view present to his own mind was that which the great majority of the Committee would be disposed to adopt. His view was that great facilities for fraud would be afforded in dealing with funded property and stock in public companies if wills relating to this description of property were permitted to be proved in country districts. Let him put before the Committee an example of what it would be easy to do under the law if it remained in the state in which the Amendment made in Clause 40 left it. These district registries would be very numerous. They would be presided over by a registrar, who was not likely to be a person of the highest class of qualification, though he might be sufficiently qualified to carry on the ordinary business of his office, with perhaps one clerk under that registrar. The emoluments and business of many of these courts would probably not be sufficient to maintain a greater staff than that. Suppose, then, a gentleman died in Paris or in a distant part of the country, and that an individual presented himself at the office of the district in which the deceased was usually resident, and produced a will of the deceased. According to the present state of the law, all that would be required would be that the person named as executor should bring the will, with the ordinary affidavit as to the place where the will was found and of its due execution, and then he was entitled to obtain probate. Well, suppose an individual went to the district office with a will purporting to be the will of the deceased? He would perhaps find there a clerk in the receipt of a salary of 25*s.* or 30*s.* a week. The integrity of a clerk who stood in that situation could hardly be expected to be proof against a very moderate amount of pecuniary solicitation; and thus a forged or irregularly executed instrument might be admitted to probate. That might be performed next day, and after the instrument had been deposited for 24 hours with the Bank of England, the individual obtaining probate would be as much the master of all the stock and property as the deceased himself would be if he had remained alive. That would be a state of things fraught with danger. But take the case of a will fraudulently altered, either by interlining or obliterating a legacy, or the appointment of an executor. By the law, as it stood before the Amendment was adopted, such wills would be tested in London by the experience of men well versed in such matters, competent to judge, and responsible to the court for the individuals whom they undertook to represent being the persons they were described to be. They stood in a similar situation to the broker who went with a person to make a transfer of stock in the Bank of England, the Broker in that case being responsible that the man whom he brought to make a transfer was the person whose name appeared in the books as the owner of the stock. But in the office of the district registrar they could not expect to find that the persons performing these duties should possess the skill and experience requisite to apply a law which was highly technical so as to detect what parts had been altered, what ought to be admittted to probate, and what ought not to be received without further testimony. These were the difficulties which presented themselves to his mind when the Vote of the other day was taken; and feeling that it was of no use to undertake such an important subject without entertaining a sincere desire to carry it out completely, he saw that the Vote was calculated to destroy its beneficial effect, and it was natural, perhaps, that it should have produced at the moment a feeling of vexation. He trusted, however, that no difference of opinion upon such a point would be fatal to a beneficial measure which had been solicited and desired for thirty years. He therefore desired to give the House an opportunity that day of reconsidering the matter, and to do so in a manner which he trusted would be acceptable to the House. He wished to meet the subject in a way which would insure the object of hon. Members who held different opinions to his own in reference to it, and at the same time to save a measure which he believed would be one of great benefit to the country from being an instrument of danger and mischief. With that view he would undertake to frame and bring up on the Report a clause which should give the district court the power of receiving wills in cases where the property locally situated within the district did not exceed £3,000 in personalty, exclusive of funded property and the stock or shares of any public company. With regard to funded property any error or fraud committed in the granting of probate might be irretrievable, for the party to the fraud might obtain possession of the money, and make away with it in less than forty-eight hours after its commission. So with regard to the stock or shares in a public company, the party to whom probate was granted, wrongfully or otherwise, was at once entitled to the shares on the faith of the probate, and immediately put in a position to transfer them. He had, therefore, only to transfer to some person —who might be an agent acting in collusion with him in the transaction—for an apparently valuable consideration, and in that way the property would be altogether taken away from the true representatives of the deceased, and the company might have eventually to pay the loss to the real executor or the real legatee. He was, therefore, about to propose, when the question was put, "that this Clause, as amended, stand part of the Bill," that it be negatived, on the understanding, on his part, that a clause having the object which he had indicated, and worded in the manner he had described, should be brought up on the Report. He did not mean to say that the Government stood pledged not to go beyond the £3,000, but what he meant was that from a variety of considerations they believed that was the amount beyond which it would not be desirable to go. That, however, was a point which would be open to discussion when the clause was brought up. He regretted to state that he did not think it possible for him to recommend the Government to accede to the clause as it now stood, apprehending, as he did, that if it were left in that way the Bill might be converted into a great instrument of fraud; and he could not but hope that this great measure would not pass into a law unless the Committee could meet on this subject on some such terms of arrangement and compromise as he had taken the liberty to suggest.

Mr. HENLEY said, if he understood the hon. and learned Gentleman right, he meant property not in one district, but in any district, of the amount of £3,000. [The Attorney General: In any district.] He should, therefore, offer no opposition to the proposed arrangement, on the understanding, however, that as the clause involved two distinct questions—one, the question of amount; the other, whether any and what description of property, as funded property, for instance, should be excluded—it should be brought up for discussion in Committee, and not on the Report.

The ATTORNEY GENERAL considered the suggestion of the right hon. Gentleman an improvement, and he would willingly adopt it.

Mr. WESTHEAD said, as he was the mover of the Amendment which was carried against the Government the other night, he wished to occupy the attention of the Committee for a few moments. He had heard the way in which the Attorney General proposed to meet the difficulty arising out of the clause as it stood at present. He (Mr. Westhead) acted for a class of gentlemen—mercantile men and solicitors of eminence in this country—who were well acquainted with all the bearings of this question, and he should be holding out false expectations if he led the Attorney General to conclude that they would be satisfied with any such limit as £3,000. He had heard a general disposition to concede all that he thought could be reasonably required—namely, that such property as had heretofore been proved in the Prerogative Court of Canterbury should continue to be proved there; but as regarded the proposed transfer of business to London from such dioceses as those of Chester and York, he thought when he had stated a few figures which had been laid before the Commissioners on this subject, the Committee would see at once that the sum of £3,000 was a limit which it was utterly preposterous to propose under the circumstances. In the five years from 1851 to 1855 inclusive, wills to the following amount in personalty were proved in the Consistory Court of Chester and the Prerogative Court of York—

1	will under	£350,000	and above	£300,000
1	,,	300,000	,,	250,000
3	,,	250,000	,,	200,000
2	,,	200,000	,,	180,000
3	,,	180,000	,,	160,000
3	,,	160,000	,,	140,000
29	,,	140,000	,,	80,000
94	,,	80,000	,,	40,000
200	,,	40,000	,,	20,000
458	,,	20,000	,,	10,000
3709	,,	10,000	,,	1,500

The total number of wills proved in the Courts of Chester and York alone, exclusive of the Consistory Courts of Lancaster, Nottingham, and Durham, in the five years he had mentioned was 4,503 where the personalty amounted to upwards of £1,500. He certainly thought that persons having such weighty interests in those courts would never consent to the proposition of the hon. and learned Attorney General that this amount of wills should all be brought to London. With regard to funded property and railway shares, he had no very strong objection to the proposition of the Attorney General, although he thought the measure would be more complete if it passed with the clause as it now stood. Under this Bill there would be forty-two district courts in lieu of 400 diocesan courts, and therefore they could afford to pay sufficient remuneration to the officers employed. But with the present 400 courts, and all that was said against the system, where was the evidence of frauds? The registrar of the Archdeaconry of Nottinghamshire said in his evidence that "he had been registrar twenty-eight years; 8,400 wills had passed through his hands; not one had been repudiated or revoked, and only two contentious cases had arisen out of the whole. The principal deputy registrar in the London Courts, who had filled the office since 1829, only recollected one case—that of a forged will, and in that instance the parties were transported. He did not think there was any reason to fear that there would be more fraud—there could hardly be less—than at present, if the district courts were properly officered. It was no doubt very important that there should be a proper index. Mr. Trevor stated that if the name were given he could find the will of any person in five minutes, and in ten minutes who was residuary legatee, and that in the same time he could find out any legatee. There would be no difficulty, judging from Mr. Trevor's evidence, in having a correct index of wills. The clause with reference to the deposit of wills, provided that all wills proved in the district courts should be deposited in those courts. The Bill, as first drawn, provided that four-fifths of the wills which were under £1,500 should be proved in these district courts, and he saw no reason why the whole should not be included. He did not think it safe that wills probably drawn up by schoolmasters should be left in the care of persons who had but a salary of 25*s.* a week, when there was a probate tax of £90,000, which would enable them to pay sufficient salaries, and thus induce those who transacted the business to perform their duties in a satisfactory and creditable manner. He could not therefore, with any degree of consistency, assent to the alterations proposed.

SIR JOHN TROLLOPE said, he hoped the House would not revoke the deliberate Vote already come to on two separate occasions. The clause of the hon. and learned Attorney General would simply alter the amount, but on Monday night the Committee had deliberately decided upon a principle, and not upon any detail. They had decided that persons in the country should be allowed to transact business with those in whom they had confidence, and that it was not for the interest of the public that all the business should be concentrated in the new court in London. He believed notice of an Amendment had been given to make the salary of the Judge of the new court the same as the salaries of the puisne Judges, and the proposition to compensate the proctors would also tend to make the Bill very expensive. With regard to the objection to the business being done by a clerk at 25*s.* a week, it seemed to be forgotten that no probate passed without the signature of the registrar, and there was every reason to suppose that the Lord Chancellor would take care to appoint proper persons for those offices. It would be far better, in his opinion, to allow executors to go to the office of the registrar in the country, where they could do the business in an hour, than require them to come to the London court, probably with the solicitor who made the will, with the solicitor's town agents, and with a proctor in attendance. He was most anxious that the Bill should pass, but he was desirous it should pass in a shape acceptable to the public. He should, in common with the hon. Member for York (Mr. Westhead), make a stand upon the question of limitation, and, should the Committee divide, he should vote in favour of retaining the amended clause.

MR. AYRTON thought, that as all the other clauses of the Bill depended on this, it would be impossible to go on with the Bill until the clause suggested by the Attorney General was before the Committee.

MR. WIGRAM said, he wished to ask whether, in every case, it was intended that the probate of a will of property consisting of shares or stock should be taken out in the central office in London, and not in the local courts?

THE ATTORNEY GENERAL said,

that was the intention, and it would undoubtedly be the effect. He felt it essential to the security of the Bank of England, and to the great offices of London, that their stock should not be transferred without the probate being taken out, or counter-sealed in the central court in London.

COLONEL SMYTH remarked, that he believed that the expression of opinion by the Committee the other night, that there should be no limit whatever in the amount of wills registered in the district courts, was in accordance with the general feeling of the country. He should vote for the amended clause.

SIR FITZROY KELLY said, that with respect to the inquiry of his hon. and learned Friend the Member for Cambridge University, he might state that he had given notice of a clause, the effect of which would be that, under probate granted by the registrars of the district courts, no stock in the Bank of England and East India Company should be transferred until the probate was counter-sealed by the central office in London. Of course, he could have no objection to that provision being extended to the shares of railway companies.

MR. HUDSON said, he believed that the Vote at which the House had arrived on Monday last did not in the least refer to the limit of £1,500. It appeared to him to have indicated the opinion of the House to be, that the jurisdiction of the district courts should extend to any amount of property which did not include funded or railway property; and he thought that, with the assistance of the Amendment proposed by his hon. and learned Friend, they might proceed to discuss the clause. He, for his own part, should not be sorry if the persistence of the learned Attorney General in his views led to the loss of the Bill, for he could not but look upon it as a device to bring the practice of the country up to London, while it was most unpopular throughout the country.

MR. COLLINS said, he thought the Attorney General could not be serious in his argument that fraud and forgeries would be encouraged by giving the district courts unlimited jurisdiction. There were a very large number of local courts having unlimited jurisdiction, in which wills to a large amount had been proved without any cause for complaint having arisen, and the danger—if danger there were—must be less when they were reduced to forty. He thought that, in pressing the view which it was now sought to press upon the House, there must be some object in the background, such as making business for London practitioners. Now, he, for one, would enter his protest against persons being dragged up to London from distant parts of the country—Devonshire or Cumberland, for instance—in order that a source of maintenance might be provided for the proctors in London.

MR. WALPOLE said, that the Attorney General had raised two questions—first, whether any limit should be placed as to the amount for which probate might be granted by district courts; and, secondly, whether they should have power to grant probate when the property was funded property. Now, in order to decide the first of these questions, there was no necessity to negative the clause, though it would be necessary to have a new provision brought up, in order to come to a conclusion on the second. Again, with regard to the first question, the House had already arrived at a decision upon the subject. He did not himself take any part in the discussion upon that occasion, but he had read the arguments which had been advanced on either side, and he could see no reason for reversing that decision; and with regard to the second question, it might be more advantageously considered at a subsequent period. He himself could not conceive on what ground the learned Attorney General would be able to maintain the principle of limiting the amount, because all the arguments which applied to granting probate in a district court in cases where the property exceeded £3,000 applied with equal force to all cases where the property was under that amount. An observation of an hon. Gentleman opposite (Mr. Westhead) appeared to him to be entitled to great attention. That hon. Gentleman had informed the House that, in five years, in Cheshire and Yorkshire no less than 2,000 wills had been proved, each of which related to property amounting to £10,000. Now, that was sufficient to show that to limit the jurisdiction of district courts to £3,000 would be without precedent, either in principle or practice. What he would suggest to the Committee was, that the clause should be maintained as the House had settled it on a former occasion, and he would also suggest to the Government that, as the Attorney General had stated that he did not pledge himself to £3,000 as a limit, it would be a better course for them to accede to the principle which the House had sanctioned, that there should be no limit at all, and at a future period the Committee could consider the question as to whether the jurisdiction of the district courts should extend to funded property.

Mr. ELLICE (Coventry) remarked, that he had not been present at the former discussion upon the question. He could not convey to the House the extreme regret he felt at differing from his learned Friend the Attorney General, but he had heard with regret from his learned Friend that, if the clause were maintained as it at present stood, it would be a question with the Government whether they would proceed with the Bill. The country would view with deep regret the failure of this attempt to reform one branch of the law. For his own part, if the limit of £3,000 were agreed to, he could not, after a long experience of the administration of the courts of probate, determine whether it would not be better for the public to continue to submit to the inconvenience of the law as it at present stood. He could bear his testimony that the business of those courts had been conducted better than that of almost any other courts in the country, and there was not the slightest reason why their jurisdiction should be limited to £3,000. The great complaint against those courts was their ecclesiastical character, and that their number was too great. To remedy those complaints, an attempt had been made to transfer their jurisdiction to the Court of Chancery, but that proposal had been met with universal dissatisfaction. If the ecclesiastical character of those courts was taken away, the number of them reduced, and the expense of proceedings in them placed upon a reasonable footing, that was all the reform which was required. As regarded granting an indemnity to the gentlemen who now conducted the business of those courts, it would be better to give them a certain tenure of their business before admitting the general practitioners. As regarded the Bill itself, it was one of great importance, and he should deeply regret it if the Government, in a moment of disappointment, should abandon a measure of a most useful and salutary nature.

Mr. MALINS said, that he had voted for the Government when this matter was last before the House, but that he could not support them now. No doubt the Government were placed in a difficulty, and it would be impossible to surmount that difficulty with consistency and honour by abandoning the principle which they had avowed. His hon. and learned Friend the Attorney General had, after mature consideration, said that the principle of the Bill was involved in the country probates being limited to £1,500. What, then, must be the surprise of the Committee when they heard him say that evening "not £1,500, but £3,000 should be the limit." Was not that an abandonment of the principle of the Bill? [The Attorney General: No!] He would make good his assertion. The principle of the Bill was, that there should be but one probate, and that it should cover every description of property. But the hon. and learned Attorney General came down to the House that evening, and under pressure said, "I will make an exception; the country probate shall be limited to £3,000; but, although I will give authority to a country district to prove a will for £3,000, which may consist of money in the hands of bankers in a neighbouring town, or of money lent on mortgage to the neighbouring squire, it shall not cover £100 Three per Cents. in the Bank of England, nor a single share in a railway, nor in any joint-stock bank whatever." He wanted to know why. Were these district probate courts fit to exist or not? If they were fit to administer, regulate, and control property of one description to the extent of £3,000, why were they not equally fit with respect to property to that amount of another description? The Government had professed throughout, that one great object in bringing forward this Bill was to get rid of the monstrous evil of *bona notabilia*, and that it was their desire that personal property, wherever situate, should be regarded as of equal quality. Now, that principle of the Bill had been abandoned, and because the Government had been placed in a difficulty by the vote of the Committee the other night, the hon. and learned Attorney General proposed to get out of it by making a distinction between properties of a different description, and rendering money in the funds, railway and joint-stock shares of a more sacred character than any other kind of property. His hon. and learned Friend said it was very important that there should be no frauds, that the Bank of England and the great railway and joint-stock companies should not be imposed upon. Did he, then, avow that the country district courts to be established under his Bill were to be so little trusted—that the property of the country was to be upon such fragile tenure, if entrusted to them, that they ought not to be permitted to prove a will which might give authority to the Bank of England to transfer £100 Three per Cent. stock. The Committee ought not to forget how numerous were the small fundholders. Returns presented to Parliament showed that where there was one man who had £1,000 stock, there were he knew not how many who held £100 stock. The hon. and learned Attorney General, on introducing the Bill, said that it would, among other things, save the country a great deal of expense, because it would permit a will to be proved within the district in which it was made; but, as the hon. Baronet the Member for Lincolnshire had pointed out, all that had been abandoned with regard to property of a particular description, because for that nothing but a London probate would do. He (Mr. Malins) supported the Government the other night, because their Bill was founded upon the Report of the Commissioners, and because it proceeded on the principle that the country probates should be limited in amount only: but, although he was prepared to enter into a sort of compromise on a matter in which no great principle was involved, yet he could not agree to the proposed distinction between bank-stock, railway, and joint-stock shares, and other descriptions of property. He could understand that wills ought to be subject to a careful revision, and that they should come to London for final settlement. But, when he was told that money in the Bank of England was to be protected beyond every other property, he could not understand why such a distinction should be made. He believed that the law was this—that if a man obtained probate of a forged will, and by means of it obtained, as executor, payment of stock in the Bank of England, the property of the person whose name had been forged, that payment was absolutely good. There was the less reason, then, for the proposed distinction between Bank of England stock and other kinds of property. His hon. and learned Friend behind him, the counsel for the Bank of England, would agree with him that, so long as the probate was valid, the Bank would be quite justified in transferring to the pretended executor stock purporting to be bequeathed by the will: therefore, while he supported the principle on which this Bill was originally brought in, he should be obliged to vote against the Government, because, on two essential points, they had abandoned that principle.

MR. HENLEY: I believe I have been misunderstood in what I stated. I carefully avoided giving any opinion as to whether there should be a limit at all, or whether probates in the country should be limited to £3,000. All that I said was that I was willing to postpone the consideration of that question. I did not at all enter into its merits, though every hon. Member must have known that all through the debate he had been opposed to any limit whatever.

THE ATTORNEY GENERAL: Among the amusing incidents of this debate, if there had been any amusement in it, was the contrast between the speech just made by the hon. and learned Member for Wallingford (Mr. Malins) and the hearty support which he gave to the Bill on two divisions on a previous night. To what wonderful influence that conversion was to be attributed he could not say. [MR. MALINS: No conversion whatever.] Well, then, the delightful inconsistency between the speech and the votes of the hon. and learned Member was a mystery perfectly unintelligible to every one who had marked his conduct. The Government had not been guilty of any inconsistency, nor did he (the Attorney General) admit that they were in a difficulty. If there were any difficulty at all about this measure, it was the people of England who were in that difficulty. The course taken by the Government was this—in order to accomplish what had been represented to be a great good—namely, the giving local opportunities and benefits to persons in the country in humble circumstances, they departed from the true principle of requiring that all wills should be subjected to that perfect examination which could only be given in the principal registry in London. And, accordingly, £1,500 was put in the Bill as the extent to which that departure was to be permitted. He trusted that they might hear no more of the ordinary puerile declamation about the rights of the poor as contrasted with the rights of the rich. It was, undoubtedly, a beneficial thing to the poor that a Bill should be brought forward in which, for the sake of consulting their interests, a right principle was, to a limited extent, departed from. But he understood that his right hon. Friend the Member for Oxfordshire, to whose mature judgment on these questions he desired to pay every possible respect, suggested an enlargement of that compromise, to which the Government acceded; and in order to meet that concession on the one side a further concession had been made on the other, that the country probate should be limited with regard to property of a particular description — namely, funded or share property. [Mr. HENLEY: Funded only; not share property.] There was therefore to be a departure from the principle on which £1,500 was inserted in the Bill. That was so obvious that everybody perceived the reason for that departure but the hon. and learned Member for Wallingford. And hence his thunder. If £1,500 had remained in the Bill it would have comprehended all funded and share property within that limit. The hon. and learned Member for Wallingford did not perceive that it would be very difficult for a man to run away with a rick of corn or a flock of sheep, but that it would be very easy for him to run away with £1,000 Consols. Again, he (the Attorney General) maintained that the Government were not in a difficulty, for the present was merely a case of concession on the one side, and on the other. If he were to express his own individual opinion—but which he gave up in deference to that of others — he should at once frankly say, with regard to property locally situate in the country, such as agricultural stock, machinery, stock in trade, &c., let there be no difference. But then he was expressing his own individual opinion. All he could say was that, with this expression of his own individual feeling on the point (which might furnish some sort of assurance to the Committee as to the decision of the Government upon further consideration), he must unquestionably persevere in the course he had indicated —namely, to negative the question that this clause as amended stand part of the Bill. While pursuing this course, however, he would follow out to the letter the undertaking he had given to bring up a new clause in Committee, and as far as he was concerned, if his opinion had any weight, he should not be obstinate with regard to the limitation of the amount of property.

VISCOUNT PALMERSTON said, he agreed with his hon. and learned Friend in regard to the first question, which had been very distinctly put by the right hon. Member for Cambridge University (Mr. Walpole)—namely, the question of limitation. He confessed that at first it appeared that some limitation of the amount of property locally—that was, anywhere—situated might be desirable. But the general sense of the House was against such a limitation, which, moreover, was not essential to the principle of the Bill. This measure was one which the Government considered it of great importance to pass; indeed, he thought it so important in its general provisions that it would be a great evil if, in consequence of the differences of opinion upon what he must say were subordinate details, a measure of such unquestionable value should even be delayed for another year. If, then, they were prepared by mutual concession to agree that there should be no limitation in the amount of property locally situated, exclusive of stock and funded property, and subject to future consideration as to whether it should be exclusive of shares in railways and other companies, he thought it was hardly worth while to put the House to the trouble of a division upon this clause. The clause did not prejudge those other questions; it left the matter open for discussion, when his hon. and learned Friend brought up (in Committee, and not on the Report) the clause of which he had given notice; and therefore he thought they had better waive the Motion for disagreeing to this clause. The clause would stand as it was, and then his hon. and learned Friend would have an opportunity, before the Committee terminated, of bringing up his clause, which would settle the point respecting share and funded property.

Motion *agreed to;* Clause, as amended, to stand part of the Bill.

Clauses 41 to 50 inclusive were then *agreed to.*

Clause 51 (Appeal from the County Court).

MR. MALINS said, this clause gave the appeal from the County Courts to any Court of Common Law. He thought it would be better to give the appeal to the Court of Probate; it would be more consonant to the principle of the measure. He should, therefore, move to insert the words, "Court of Probate, whose decision shall be final." In properties of small amount one appeal would be sufficient.

MR. AYRTON suggested, that as the

Common Law Courts sat only in term, if the appeal was to them, the probate might often be delayed most inconveniently.

The ATTORNEY GENERAL said, he was quite prepared to agree to the Amendment, but he wished to consider how it had best be carried into effect. In the Act referred to in the clause, the mode of appeal from the County Courts was extremely simple, and he would wish to preserve the same mode.

The Amendment was then withdrawn, on the understanding that the Attorney General would bring up a clause to carry it into effect.

SIR FITZROY KELLY said, he could not permit this opportunity to pass without urging upon the Government the claims of the County Court Judges to something like an equalization of salaries and emoluments. It was well known that when the business of the County Court Judges was nothing in comparison with that which was now committed to them the salaries were fixed at £1,200 a year. Since then a distinction had been made in favour of a few individuals whose salaries had been raised to £1,500 a year; but the duties of all of them had been largely increased. They were about to have confided to them under this Bill contentious jurisdiction over a class of causes embracing sometimes very difficult questions of law, and always very perplexing questions of fact. He thought, therefore, that this was a fitting opportunity for reminding the Government that the County Court Judges were very hardly and unfairly dealt with in respect to their remuneration, and for expressing a hope that the claims of all of them to the increased allowance would be fairly considered.

VISCOUNT PALMERSTON said, that last year a Bill was passed which did accomplish prospectively an equalization of the salaries of the County Court Judges, but it did it by reducing all in future to the rate of £1,200 a year. Those who now had £1,500 a year—not in consequence of their greater qualifications, but owing to the larger amount of work which they were supposed to perform—would continue to receive that salary during their lives, but their successors would only have £1,200 per annum. No doubt, it would be very agreeable to the Government to concur in a measure which should raise the salaries of all to £1,500, but the Committee must remember that such a change would add greatly to the public expenditure. Last year a change was made with respect to fees, which imposed on the national exchequer an additional charge of about £100,000; and he thought that, under these circumstances, they had better pause before making so large an addition to the public outlay as would result from increasing all these salaries from £1,200 to £1,500 a year.

SIR JOHN TRELAWNY suggested funds might be got by abolishing the office of high bailiff.

Clause *agreed to*, as was also Clause 52.

Clause 53 *struck out.*

Clause 54.

MR. MALINS said, he had certain proposals on the subject of compensation to submit to the Committee, but as his hon. and learned Friend the Attorney General had not yet made up his mind with respect to the distribution of testamentary business, he would postpone those proposals till some future occasion.

Clause *agreed to.*

Clauses 55 to 84 were also *agreed to.*

Clause 85.

MR. ADAMS said, he wished to know whether the Government meant to afford any additional remuneration to the registrars of the County Courts, on whom new duties would be imposed under the provisions of the measure.

SIR WILLIAM HEATHCOTE said, that in reference to this matter he felt it his duty to remind the Attorney General that great doubts had been entertained last year that the salaries of the registrars of the County Courts had at the time been raised extravagantly high, regard being had to the work done, and the salaries of the Judges of those courts. The Government would not, he hoped, without careful consideration, resolve on increasing the allowances of those officers.

THE ATTORNEY GENERAL said, that the impression left on his mind last year was that the servant was in that case better paid than the master. But that circumstance only afforded a proof of the singular power of the country attorneys over certain hon. Members of that House, and a similar testimony, he might observe, was furnished by their proceedings that evening in reference to the present Bill.

MR. CAYLEY observed, that he thought the remark of the Attorney General, with regard to the influence of country attorneys upon hon. Members was scarcely justifiable. What was it but the influence of the London attorneys and the proctors that had prevented such a Bill as that now under consideration from being carried many years ago?

MR. SPOONER said, he believed that the influence of country attorneys was not so excessive with hon. Members on his side of the House as the hon. and learned Gentleman seemed to suppose.

MR. G. CLIVE said, that no class of men could be less injured than the country attorneys by the loss of the description of business transacted in the County Courts; and therefore it was a matter of indifference to them.

THE ATTORNEY GENERAL said, it was the intention to give the Lord Chancellor power to issue a table of fees, but in order to determine the scale, it would be desirable to wait and see what additional business would under the present Bill be thrown upon the County Courts. The House would then be in a situation to consider what additional compensation ought to be given to the County Court Judges and other officers.

MR. MALINS said, he thought that the additional business would be so inconsiderable that it would be unworthy of notice.

Clause *agreed to.*

Clause 86, Taxation of Costs.

SIR HENRY WILLOUGHBY observed that this clause involved the whole question of compensation, and required explanation.

MR. HADFIELD said, as regarded the expenses of these courts, he should be glad to know out of what fund they would come, and whether there would be an *ad valorem* duty, or a charge for the work done, or a tax similar to the succession duty.

MR. SALISBURY rose to order. The clause related to the transaction of business, as between solicitor and client, and not to the business of the court, and therefore the hon. Member was not in order.

MR. HADFIELD contended he was in order, and would advise the hon. Member for Chester not to be so zealous on behalf of the Chancellor of Chester. He would again ask out of what fund it was proposed to take the sum which would be required for compensation? He considered it the duty of the House to make probates and administrations as cheap as possible. If, in addition to the probate duties, the succession duties, and the legacy duties which brought a revenue of £3,000,000, and would shortly bring more, estates were to be taxed for the benefit of proctors, registrars, the rev. H. Moore, or any other person to be compensated out of this fund, an act of great injustice would be committed, and the law would be evaded as much as possible. At present the House was literally besieged for compensation by proctors from all parts of the country. They were the only professional class in the community that had ever claimed compensation from the revenues of the Crown. It was in another view of the case an important thing in a political sense to induce parties to bring their wills and administrations freely into court, and he objected to the payment of proctors by an *ad valorem* rate, instead of according to the amount of work done. They ought, therefore, to have a clear understanding as to the scale of fees, on what principle they were to be charged, and out of what fund they were to be paid.

THE ATTORNEY GENERAL said, the speech of the hon. Gentleman, so far as it related to the question of compensation, was out of place; for the Committee was then many hours from the clause relating to that subject. As to the source whence the compensation was to be derived, it would be taken, whatever might be the amount which the Committee might be pleased to give, out of the fund to be created by the costs and charges imposed upon the suitors.

MR. W. N. HODGSON asked the Attorney General if he was prepared to lay on the table a scale of the fees to be taken on probates and administrations in future.

THE ATTORNEY GENERAL said, the scale of fees would require a good deal of attention to be given to it by the Lord Chancellor, and he could not undertake, at that moment, to lay it on the table; and if it were on the table, hon. Members not conversant with the minutiæ of business to which it related would be unable to form correct opinions with regard to it. He had stated over and over again that the fees to be charged must depend upon the money required to pay the compensation that might be awarded.

Clause *agreed to.*

Clause 87 (Treasury to provide Buildings).

SIR HENRY WILLOUGHBY said, that he understood that a portion of the money at least would come out of the

Treasury. It would be most satisfactory if the hon. and learned Attorney General could state that no portion of the sum would be chargeable on the Consolidated Fund.

Mr. MALINS said, that in his proposals, he certainly did not contemplate throwing a single farthing on the Consolidated Fund, and he believed the hon. and learned Attorney General entertained the same view. He understood the object would be attained, not by imposing an additional charge upon the public, but by continuing the existing charges for a limited period.

The ATTORNEY GENERAL said, that the amount of compensation would be provided for by fees; but with regard to the other charges for the due administration of justice in these courts, although they would primarily come out of the fees, yet if any deficiency arose, the Consolidated Fund would be called in, though only in the last resort.

Mr. BARROW said, he wished to remind the Attorney General, in reference to the question put by the hon. Member for Carlisle (Mr. W. N. Hodgson) that when the right hon. Gentleman, the Member for the University of Oxford, brought this subject before the House he stated the percentage at which he proposed to charge the fees payable on granting probates and letters of administration. He thought, moreover, that as the Treasury would provide the necessary officers for carrying on the business of the courts, that portion of the charge would, as in all other cases, properly fall upon the fund set aside for the general administration of justice in this country.

Mr. ROLT asked whether, as the business of the College of Advocates, which was an incorporated body, would be at an end, there should not be a clause empowering them to sell their property, which at present they were incapacitated from doing.

Sir JOHN TROLLOPE observed, that it was very desirable that a secure place should be had for depositing wills, and as the public were accustomed to the present place, he knew of no better than the building in Doctors' Commons. There was nothing in the Bill which would enable them to retain that building, although power was given to hire or build a place for that purpose.

The ATTORNEY GENERAL said, on a former occasion, when he introduced the measure, he stated in great detail the opportunities which were presented for the deposit of wills in the fire-proof chambers at Somerset House, which were at present unoccupied, and where they could be placed in the most convenient form for reference and inspection. The Registrar General had devoted a great deal of attention to the subject, and had furnished him with plans which showed at how little expense all the wills in London and the country might be stored and arranged at Somerset House, where they would be in immediate connection with that great store-office of statistical information, the office for the registration of births, deaths, and marriages, and with the Legacy-duty Office. It was his earnest hope that he should see all the wills in the country so arranged at Somerset House that they might be at all times inspected. With regard to the court itself, it was no doubt very desirable, if not absolutely essential, that it should have its local habitation in immediate vicinity to the Superior Courts of Westminster Hall, and one result would no doubt be that the advocates would follow the court. A great part of Doctors' Commons belonged to the Faculty of Advocates, and he had on several occasions expressed it as his opinion that they had a right to dispose of it; and if his hon. and learned Friend (Mr. Rolt) would propose clauses with a view to the attainment of that object, they should have his best consideration.

Sir FITZROY KELLY said, he took it for granted that when his hon. and learned Friend the Attorney General expressed a hope that all wills would be deposited in Somerset House, he meant only copies, so far as country wills were concerned, it being an essential provision of the Bill that all wills should be so deposited that persons interested would be able to gain immediate access to them.

Mr. CAYLEY said, nothing would be more objected to in the country than the idea of removing original wills to London.

The ATTORNEY GENERAL said, no such idea had been entertained. The subject was one on which the feelings of the inhabitants of the country must of course be consulted. He regretted very much that country wills must remain in the country, because he thought the retention of them there prevented the collection of a great body of valuable information. The building of suitable depositaries in the country was, in fact, contemplated in the Bill.

MR. WESTHEAD observed, that he had given notice of an Amendment which he intended to move on the bringing up of the Report, to the effect that wills proved in any district court should be deposited in the registry of that court.

Clause 87 *agreed to;* as was also clause 88.

The Committee then proceeded to the consideration of the additional clauses.

On the clause fixing £4,000 a year as the salary of the Judge,

SIR FITZROY KELLY said, he had given notice to move as additional clauses 1. To enable the Judge, if a Privy Councillor, to sit as a Member of the Judicial Committee. 2. The salary of the Judge to be £5,000 a year. 3. To enable the court to summon and empanel juries in like manner as the Suporior Courts of common law, and to try issues and hear and determine motions for new trials in the court itself, and to direct issues to be tried at the assizes. 4. To require grants of probate or administration, where the estate comprises stock at the Bank of England or East India House, to be sealed at the principal registry in London, as well as in the district registry. In conformity with this notice, he should first move to insert £5,000 as the salary, instead of £4,000. This Judge would be precisely in the same position as the Vice Chancellors and the common law puisne Judges. He thought, therefore, that a permanent salary of £5,000 a year should be granted, as the adoption of any other course would stamp the office with an inferiority which might have the effect of throwing difficulties in the way of the Crown in its endeavour to secure the services of the most eminently qualified person to preside over the new court.

MR. AYRTON objected to the proposal of the hon. and learned Member. The Government must have considered the matter, and upon that consideration come to the determination that £4,000 was a fitting salary. For his own part, he concurred in that view, and thought the Amendment ought not to be pressed.

SIR FRANCIS BARING observed that he thought that the Committee ought to hear from the Government what were their views upon the subject, as it was well known that there was never a salary that some one did not propose an increase of it.

THE ATTORNEY GENERAL said that if there had been a general feeling expressed by the Committee in favour of the suggestion of his hon. and learned Friend he would have been prepared to accede to it, but such did not appear to be the case; and he would remind the Committee that there was a provision in the Bill to increase the salary to £5,000 when the labours of the judge became more arduous. In that event the salary would be equal to that received by the other Judges. As the hon. Member had supposed, the Government had gravely considered the question, and he trusted therefore that the Committee would pass the clause as it stood.

Amendment by leave *withdrawn.*

Clause *agreed to.*

Clause (providing an additional salary in case of the Judge of the Court of Probate filling the office of Judge of the Admiralty Court) *agreed to.*

Clause (Crown to grant a retiring pension of £2,000 in case the salary of the Judge stood at £4,000, and a pension of £3,500 in case it stood at £5,000.)

MR. MOWBRAY said, he rose to move to reduce the latter pension to £2,500, considering that it was disproportionate as it stood.

THE ATTORNEY GENERAL trusted that the Committee would allow the clause to stand as it was. The additional pension was given only in the event of the salary of the Judge being £5,000. This amount was the amount which a long course of usage had sanctioned in the case of all the other Judges. When the Committee considered the duties which the Judge of this court would have to fulfil, duties demanding great learning, occupying considerable time, and requiring most patient investigation, he thought they would agree with him that the amount was not too large. The Committee had, in negativing an Amendment to increase the salary from £4,000, given the Government credit for having carefully weighed this matter; he hoped they would still extend that credit to them.

MR. MALINS observed that he quite concurred in what had fallen from the Attorney General; he considered, however, that the retiring pension of £2,000, which was to be the sum if the salary remained at £4,000, was too small.

SIR FITZROY KELLY said, he wished to point out that as the Bill stood it made no provision for the learned Judge of the Prerogative Court of Canterbury, supposing he should decline the office of Judge of the new Court. In such an event, the learned Judge would find his office abolished and himself left without one shilling of compensation. He trusted that the Government would consider this matter. If the present opportunity were allowed to pass by, Government would be under the necessity of passing a special Act of Parliament to provide an allowance for him.

Mr. HUDSON said, he also thought that the retiring pension of £3,500 was not too large. The Committee should remember that it was only payable after fifteen years' service. He hoped that the Amendment would be withdrawn.

Amendment by leave *withdrawn.*

On the question that the Clause stand part of the Bill,

The ATTORNEY GENERAL said, that it was impossible for the Government to state what steps they would take in the event of a contingency occurring which it was not in their power to foresee. If the learned Judge of the Prerogative Court declined to accept the new office, the House, he had no doubt, would deal with him in that liberal spirit which had animated them in the arrangement made with respect to the Masters in Chancery. If the duties of the Court of Admiralty devolved upon the new Judge, the salary attached to the office would be £5,000 a year.

Sir FITZROY KELLY said, if the Bill passed, the Government could not confer on Sir J. Dodson a retiring pension of even one shilling. He thought that some provision should be inserted in the Bill against the contingency of that learned Judge deciding against accepting office under it.

Mr. AYRTON said, that it was perfectly well understood that Government would offer the appointment to the learned Judge of the Prerogative Court, and he agreed with the Attorney General that it would be useless to legislate for a contingency which had not yet arisen, and which, to judge by the learned Judge's high antecedents, was not likely to occur.

Mr. MALINS said, he hoped that if Sir J. Dodson should decide on not accepting the new judgship to be created under this Bill, the House would deal as liberally towards him as they had a few weeks ago towards Mr. Hatchell, the Judge of the Irish Insolvent Debtors' Court, to whom a retiring pension equal to his full salary was to be paid during the remainder of his life, because a Bill was passed whereby he was removed from his office. This principle ought to be applied to the Judge of the Prerogative Court. His office was abolished for public convenience, and it would be contrary to all principle if the same act which abolished the office did not secure him proper compensation. The point was one which ought to be left in no doubt.

The ATTORNEY GENERAL said, his hon. and learned Friends could have no doubt as to what were his own views on the question. All he could say, however, was that he would press the matter upon the attention of the Government, and if they took the view which had been just expressed he would bring up a clause in accordance with that view.

Clause *added* to the Bill.

Clause *brought up*, (Judge to fix a table of fees to be taken by officers of the Court and by officers of County Courts).

Mr. ROLT said he thought there would be very little for the London proctors to do, and that the court might be thrown open to solicitors generally. If so, the table of fees paid to proctors must be altered.

The ATTORNEY GENERAL said, he proposed to postpone for the present the question of compensation until they knew the amount of business likely to be transacted in the new court; so that the clauses proposed to be inserted by his hon. and learned Friend (Mr. Malins) respecting the case of the London proctors, and the clause proposed by the noble Lord (Lord Goderich) as to the proctors of York and Chester, would be considered at the same time. With regard to the remark of the hon. and learned Member for Gloucestershire, it would be easy to make the proposed alteration, if the event he anticipated should occur.

Sir HENRY WILLOUGHBY said, he wished to remark upon the large amount of compensation which seemed to be contemplated under this Bill. He feared it would cost the country at least a quarter of a million of money. The Attorney General ought to produce a schedule stating the number of officers who were to be compensated and the amount of compensation; and he thought it most unwise to raise the money to be applied to this purpose through the medium of fees, the future amount of which would be totally unknown, and which would inflict a most serious tax on the community.

Mr. HUDSON said, that at present the Committee had no means of information as to what amount of taxation would be fair and just. He thought it would be a great evil to throw the court open to the solicitors. The limited number of persons engaged in the duty of proving wills was a great security for its being properly performed.

The ATTORNEY GENERAL said, that the hon. Baronet had rather misunderstood what he had stated. This Bill merely provided for the full compensation of those who were in office before the statute of Will. IV.; and but on a limited scale for those who have been appointed since that period. No additional fees would be created for that purpose, the fees at present taken being sufficient to provide both for the remuneration of the practitioners and for all the compensation that could be required. The whole amount of compensation provided for under the Bill could not, according to his apprehension, exceed £30,000 or £40,000 a year—an insignificant sum compared with the advantage to be gained from the reduction of the fees.

Clause *added* to the Bill.

Clause proposed, providing for the transfer of offices from Mr. Moore to the registrar of the new court.

The ATTORNEY GENERAL said, that the buildings occupied by the Prerogative Office at Doctors' Commons were held by Mr. Moore under a lease, which expired on Lady-day last. Mr. Moore applied to the Government to say that the lease would come to an end on Lady-day, and he wished to know whether the Government desired that the lease should be renewed. He was told that some short renewal would be required, but the actual terms of the renewal he did not know. Mr. Moore had, however, acted at the request of the Government, and had no interest in the term of renewal, which would not, therefore, be a subject of compensation to him. The interest in the lease or occupation would be transferred to the new registrar, and might be the subject of a small compensation to the parties.

Mr. HADFIELD said, he would take occasion to remark that he and hon. Members around him could not hear one word of these explanations of the Attorney General. He believed that Mr. Moore, the present possessor of the office, had received £8,000 a year for fifty or sixty years. His successor in reversion was Lord Canterbury, and the present Archbishop of Canterbury had done what Archbishop Howley had refused to do, and had appointed his own son, a young gentleman of twenty-five years of age, to succeed Lord Canterbury. So that there was a registrar in possession while there were two in reversion. Were all these gentlemen to be compensated out of the fees raised from widows and orphans? Had the archbishop's son any interest in this office, and had he a claim to compensation?

The ATTORNEY GENERAL said, the hon. Member for Sheffield ought to give notice to repeal a former Act of Parliament. He regretted that the hon. Member was not a Member of the Parliament which passed the 2 & 3 of *Will.* IV., c. 109, which was a millstone round the necks of the House in this matter, but which they were obliged to obey. The appointment of one of the relatives of the present Archbishop of Canterbury, as a reversioner in expectancy in succession to Lord Canterbury, was not recognised by the present Bill as entitling him to compensation.

Mr. HENLEY said, he should be glad to know whether it was not obligatory on Mr. Moore to find a building for the safe custody of wills. If so, that would be a deduction out of the great leviathan sinecure, which would be an element in reducing his claim to compensation. He thought that the clause had better be postponed.

Mr. COLLIER observed that he believed that Mr. Moore was bound to furnish a proper place for the custody of wills, but it was clear that he had neglected to do so. The building in which the wills were deposited was insufficient, it was not fireproof, and it was near a carpenter's shop, and liable to be burnt on the ignition of the shavings. He also would recommend the postponement of the clause, in order that the matter might be inquired into.

The ATTORNEY GENERAL agreed that the clause had better be deferred and come up with the other compensation clauses.

Clause *postponed.*

Clauses 32 and 33, which had been postponed, *struck out*, the Attorney General stating that he would bring up another clause on the subject.

Clause *brought up* (Judge of the Court to make rules and regulations for the proceedings of the Court).

Sir FITZROY KELLY suggested the addition of the word "pleadings."

The ATTORNEY GENERAL said, he feared the word would carry with it all the meaning attached to it in Westminster

Hall. It was desirable that the proceedings of the new court should be as simple as possible. In the majority of cases, he hoped that the pleadings would hardly extend beyond this: "I, A B, propound the will of C D, for proof;" while the other party would say, "I oppose it."

Clause *agreed to.*

MR. WESTHEAD then moved a clause instead of Clause 81.

THE ATTORNEY GENERAL objected to the Motion as irregular, Clause 81 being part of the Bill.

Motion *withdrawn.*

The Schedules were then taken.

Schedule A.

MR. MOWBRAY said, he would move, as an Amendment, that Durham be the place of registry for the counties of Northumberland and Durham, instead of Newcastle for Northumberland, and Durham for Durham.

MR. HEADLAM said, he must oppose the Amendment.

Amendment, by leave, *withdrawn.*

SIR JOHN JOHNSTONE said, he should propose that York should be the place for the district registry of the whole of Yorkshire, instead of York for the West Riding (excepting the Leeds district), Richmond for the North Riding, and Hull for the East Riding. He supported his Amendment upon the ground of economy, because a registry existed at York, and upon the ground of convenience, because York was the nucleus of a number of railways.

Amendment proposed, to leave out the words "West Riding of the county of York, except Leeds District, North Riding Ditto, East Riding Ditto, Parish or County Court District of Leeds," and to insert the word "Yorkshire," instead thereof.

VISCOUNT GODERICH said, that the East Riding, for which the hon. Baronet was interested, had only a population of 400,000, while the population of the West Riding was 1,300,000, sufficient to entitle it to be made a separate district. The proposition of his hon. Friend, if carried, would prove singularly inconvenient to the great mass of the inhabitants of the West Riding. The city of York was not within the West Riding at all. He would hope that the Government and the Committee would not inflict so great an injustice upon the people of the West Riding as to make York—which was situated upon the extreme border of the riding—the place of registration. He was surprised to find that it was proposed to make Leeds a place of registration for a small district, while the great bulk of the inhabitants would have to pass through it on their way to York.

COLONEL SMITH said, that he considered that the city of York had a prior claim on the Committee, inasmuch as there was at present there a staff of persons accustomed to these duties, and all the machinery was prepared for carrying into operation the provisions of the Bill. Besides, York was nearly in the centre of the county. He believed that the feeling of the inhabitants of the West Riding themselves was in favour of York, it being the place most convenient for those who had business to transact.

GENERAL THOMPSON said, the question was, whether convenience should be meted out by counties or by tithings. And as it had been found convenient to divide the county into three for the purpose of representation, the same reasons pointed to its being convenient to do the same for the purpose of registry; and what was central for one was central for the other. On this ground, Wakefield, the town in which electoral proceedings were carried on, would be the proper place to establish a registry.

MR. CROSSLEY said, he also would contend that Wakefield should be selected as the place of registration.

MR. COLLINS remarked, that he thought that the wishes of a population amounting to a million and a half should be attended to. The question would not bear further argument.

SIR CHARLES WOOD said, the great object was to select the place which would be most convenient for all purposes of business. Now, at York there was already an office for the registration of deeds, and it would be well to bring the general business of the West Riding to one place; and no other place, all things considered, would be so convenient for the inhabitants of the West Riding generally as York.

MR. CHARLESWORTH maintained that Wakefield was the most convenient place for the registry.

MR. BECKETT DENISON said, every hon. Member appeared to be anxious to make the place which he represented the place of registry. He was quite conscious that in proposing that York should be the place of registry for Yorkshire he was making a proposition which would be very unpopular as regarded himself. York had for almost time out of mind been a place of registry, and it was as accessible to the people of Yorkshire as any other place that could be mentioned. The business of the diocese had been conducted there in a most creditable manner, and he could not understand the reason of the exception which the Bill proposed to make in favour of a small part of Yorkshire. If you were separating the county into three divisions for the purpose of selecting three places of registry, undoubtedly Wakefield, Beverley, and Northallerton ought to be selected, but for public convenience and safe deposit of wills no place could be so adapted as the city of York; it was as accessible as any place in the county.

LORD HOTHAM said, he had received no instructions from his constituents in respect to the matter, but agreed with the hon. Member for the West Riding that York was the most eligible place.

THE ATTORNEY GENERAL said, he could not understand why York should be all in all in the matter, and would undertake by a detail of statistics to show both with regard to population and of distance, that Leeds, for the West Riding, was likely to be more convenient as a place of registry than that city. The principal reason which had induced Government to assign the districts in question was, that they had thought it desirable wherever they found a registry established to retain it as a place to which persons had been accustomed to resort. Under all the circumstances, he could not concur in the proposition of the hon. Member.

MR. CAYLEY observed, that no inhabitant of the West Riding had, until now, thought of objecting to York as the place of registry.

MR. HILDYARD thought that no practical inconvenience could result from continuing the registry at York, and in an economical point of view such an arrangement would be far better than that proposed, for if the county were separated into three districts, no doubt the York proctors would have to be compensated.

MR. HUDSON remarked, that the whole tendency of the Bill was towards a system of centralisation, and upon that principle he would support the proposition for retaining the proctorial business at York.

VISCOUNT GALWAY said, that if it were a question between Leeds and Wakefield he should vote in favour of the latter place, but as the office in York seemed to have given satisfaction to the whole county he could see no reason to remove it from that city.

MR. RICH said, that the small county of Sussex had two separate Probate Courts, and yet it was proposed that the enormous district comprised within the county of York, with a population in round numbers of 2,000,000, should have but one place in which wills could be proved. He trusted the Attorney General would adhere to his schedule.

Question put, "That the words 'West Riding of the county of York' stand part of the schedule."

The Committee *divided*:—Ayes 177; Noes 67: Majority 110.

MR. CHARLESWORTH proposed to leave out from Schedule A the words "except Leeds District."

THE ATTORNEY GENERAL said, the words must have been inserted by mistake.

Motion *agreed to*.

MR. CHARLESWORTH also proposed to substitute Wakefield for York as the place of district registry for the West Riding.

MR. BEECROFT submitted, that between Leeds and Wakefield there was no sort of comparison. He trusted the Committee would allow Leeds to be the register district of the West Riding of Yorkshire, as it was the centre of a large populous and commercial district.

MR. TATTON EGERTON said, he wished, before the Committee came to a decision on this point, to know what amount of compensation the public would be expected to pay to the proctors and different officers connected with York, which at present was the place where all the business of the province was transacted.

MR. ROEBUCK said, that as the schedule at present stood, the whole of the West Riding was to be one district except Leeds, which was to be a separate district. The question now to be determined was, whether Leeds was to be a separate district. He could not see that Leeds had any permanent claim to be a separate district. He should vote for making the West Riding one district, and for omitting Leeds as a separate district.

MR. BECKETT DENISON said, that there was no pretence for putting Leeds into a separate district. Wakefield ought to be the sole place for the West Riding. He never saw a more absurd schedule drawn up than this was, so far as it regarded Yorkshire.

The ATTORNEY GENERAL said, it was impossible to state with anything approaching to accuracy what might be the just claim to compensation on the part of the country proctors, because that must wholly depend on the arrangements that might be made on bringing up the new clauses. His idea was, that they would be only entitled to compensation in respect of the contentious business which would be taken from them and transferred to London.

Amendment *agreed to.*

COLONEL SMYTH moved that York be the district for the North and East Riding of Yorkshire, instead of Richmond and Hull.

Motion *agreed to.*

On the Motion of Mr. ROEBUCK the words "parish or County Court district of Leeds," were struck out.

EARL JERMYN said, that a numerously signed requisition of inhabitants of Bury St. Edmund's, including a large number of persons of small property, had been presented to him for the purpose of inducing him to move that town, which had been a place of registry for centuries, might continue so under the Bill. He should accordingly move, that Bury St. Edmund's should be the place of registry for the western division of the county of Suffolk, and Ipswich that for the eastern division of the county of Suffolk and northern division of the county of Essex. He would remind the Committee that Bury St. Edmund's was not only the chief town in the western division of the county, but the chief town of an ancient jurisdiction, called the Liberty of Bury St. Edmund's, extending over more than a third of the county of Suffolk.

Amendment proposed before the word "county of Suffolk" to insert the words "Eastern division of the."

THE ATTORNEY GENERAL said, that Bury St. Edmund's appeared to come within the principle which had been as far as possible adopted in the assignment of those places of registry, and he should therefore consent to the Amendment.

SIR FITZROY KELLY said, he should oppose the Amendment, on the ground that it went to multiply district registries and officers unnecessarily, and consequently compensation, and he should therefore take the sense of the Committee upon it. The Commission of 1854 had recommended that Ipswich should be the only place of registry for the county. The Commissioners recommended that there should not be more than thirty districts, but in consequence of there being so many large towns in the north of England the Government had increased the number to forty; but if the principle of his noble Friend were agreed to, they would have 120 districts.

Mr. Beckett Denison

MR. BENNET said, he should support the Amendment.

MR. ADAIR observed, that he was astonished that the Attorney General should have assented to it.

MR. HENLEY wished to know what principle was to be adopted in determining the districts. The Committee had refused to constitute Leeds, with 170,000 inhabitants, into a district. That now proposed had not near so large a population.

THE ATTORNEY GENERAL said, he had acceded to the Amendment, because it appeared that if he did not, many persons in Suffolk would be obliged to come to London because of the great distance at which they resided from Ipswich.

SIR FITZROY KELLY said, the district created by the Amendment would, he believed, be the smallest in England. This was an entire departure from the principle of the Bill.

Question put, "That those words be there inserted."

The Committee *divided* :—Ayes 151; Noes 53; Majority 98.

MR. REBOW expressed a hope that the inhabitants of the northern division of Essex would not have the necessity imposed upon them of going to the district registry at Ipswich; but that a district registry would be established in the large and important town of Colchester. He begged to move as an Amendment, on Schedule A, that the northern division of Essex be separated from the county of Suffolk, and stand as a district by itself, and that Colchester be appointed the place of district registry.

MR. DU CANE said, he should support the Amendment.

SIR FITZROY KELLY said, he should oppose the Amendment, as there was no machinery at Colchester for establishing a registry. It was exceedingly inconvenient to increase the number of districts.

THE ATTORNEY GENERAL remarked that he saw no reason for making any further alteration in the schedule. If it were inconvenient for the people of Colchester to go to Ipswich, the remedy was very simple—namely, for them to come to London.

MR. MILLER said, he would support the Amendment on the ground that it would bring cheap law to the doors of the people.

Amendment *negatived.*

MR. DILLWYN moved the appointment of separate places of registry for Glamorganshire and Monmouth.

THE ATTORNEY GENERAL said, it was impossible to discuss these local questions when no notice had been given. The proposed place of registry, Llandaff, was an ancient town, with the requisite buildings and machinery, and as these did not exist elsewhere, he could not accede to the Amendment.

MR. H. H. VIVIAN said, the population of Glamorganshire and Monmouth was not less than 500,000 souls. The population of Llandaff was very small, while there were two towns in Glamorganshire and Monmouth with a population of 30,000 each, and those towns would form suitable places of registry.

Amendment *negatived.*

MR. COLLIER proposed that Exeter should remain the place of registry for North Devon, and that Plymouth should be the place for South Devon.

SIR JOHN BULLER thought that the suggestion of the hon. and learned Gentleman, while it might meet the views of some parties, would not be generally convenient to the inhabitants of Devonshire. Besides, a better town for the purpose than Exeter could easily be found. He thought it wisest to retain the schedule as it stood, as both Exeter and Plymouth were at the bottom of their respective divisions in the county.

MR. COLLIER had no objection to substitute South Molton for Exeter; but he maintained that the population of Plymouth, Devonport, and Stonehouse ought to have a registry.

THE ATTORNEY GENERAL said, that the circumstances of the case did not permit him to accede to the proposition of the hon. and learned Member.

MR. J. WHITE said, he regretted much to hear the statement which the learned Attorney General had made, as he considered that Plymouth had great claims to be a place of registration, especially as Totness was about to be abolished.

Amendment *negatived.*

Schedules A and B *agreed to.*

House resumed, Committee report progress; to sit again on *Friday* next.

ELECTIONS PETITIONS BILL.

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. AYRTON moved, that this House do now adjourn.

SIR GEORGE GREY said, he thought that this was a very fair Motion to make at that time of the morning, as it was hardly fair to press the House at ten minutes to one o'clock to go into Committee on a Bill which must occupy two or three hours.

MR. ADDERLEY said, this was not a very fair way of getting rid of a measure which had already been sanctioned by a large majority. He would, however, consent to the Motion if the Government would give him a day. If not he must press the House to proceed with the Bill. If the Government would not give him a day, and the House would not then go into Committee, it would be almost hopeless at this period of the Session to proceed with the measure, and next Session the evils which the Bill was intended to remedy would not be so fresh in the minds of hon. Members, to say nothing of the press of new business which the next Session would bring with it. It was impossible for him, a private Member, to bring on the measure at any other than a late hour, and if it was not to be discussed then, it could not be discussed at all; while it was absolutely necessary that the sanction of the House should be rendered necessary both to the presentation or withdrawal of petitions, in order to prevent those collusive proceedings of which they had had a specimen just previously in the pairing off of petitions.

VISCOUNT PALMERSTON said, his right hon. Friend's object in wishing to postpone the Bill was not to get rid of it; all he had said was, that it was a Bill which required considerable discussion, and, consequently, could not be conveniently taken at that hour of the morning. He would not go now into the merits and demerits of the Bill, although he must say that he thought it contained provisions which were highly objectionable, but if there was any good in it, that would be just as valuable next Session as this. It was intended chiefly to come into operation after a general election, and he hoped the present Parliament was not so near its death as to make it necessary to provide for its testamentary jurisdiction. It did not follow that if the Bill were postponed it would be lost. The hon. Gentleman might bring it forward on a Wednesday.

Mr. E. EGERTON said, he hoped that the House would go into Committee *pro formâ.* Every Wednesday was fully occupied with other business.

Motion made, and Question put, "That this House do now adjourn."

The House *divided*:—Ayes 95; Noes 25: Majority 70.

House adjourned at a quarter after One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, July 13, 1857.

Minutes.] Public Bills.—1^a Bankruptcy and Real Securities (Scotland); Crown, &c. Suits (Scotland).

2^a Larceny, &c.; Offences against the Person; Malicious Injuries to Property; Forgery; Libel; Coinage Offences; Deer, Game, and Rabbits; Accessories and Abettors.

3^a Sale of Obscene-Books, &c. Prevention.

THE MUTINY IN INDIA—QUESTION.

The Earl of ELLENBOROUGH: My Lords, I am anxious to put a question to the noble Earl with reference to the news which has been received from India, and the course which Her Majesty's Government intend to pursue. It is now three months since the minds of the most reflecting men have been directed with great anxiety to the state of the army in India, and every successive mail has tended to increase that anxiety. But, notwithstanding this state of affairs, no one word of official information has yet been given to Parliament. We have been left to depend upon private letters and upon articles in the newspapers; and while the empire is in danger, we know nothing of the cause of the danger or the nature of the measures adopted by Her Majesty's Government to suppress it. My Lords, I do not think that this is a state of things that ought to continue. I have said that every successive mail increases our anxiety, and yet by every successive telegraphic despatch we are told that the crisis is past, that the danger is over, and that things have been at their worst. My Lords, it is not so. In a case of this kind—of a dangerous and extensive mutiny—things go on from worse to worse, and so will proceed until the strong hand of power has interfered to suppress the resistance to the authority of the Government. As yet no indication has been given of the existence on the part of the Government of India of that power which is necessary to suppress the present mutiny. The general tendency of those who call themselves the public instructors of the country is to endeavour to induce persons to believe that this is only a passing calamity, and that slight measures only are required to put down the rebellion in India. It seems to me that there are many among us who resemble that sagacious animal which, when pressed by its pursuers, hides its head in the sand and thinks it is not seen because it cannot see. My Lords, all Europe is regarding with the deepest interest the conduct which under the present circumstances we are pursuing. Upon that conduct depend our present character and our future position in India. I do not believe that there exists in this House or in the other any indisposition to grant to Her Majesty's Government all the means they may ask for the purpose of establishing our authority in India. If we do not do right, the disgrace is with the Government, but the loss of India must undoubtedly be with us. But it depends upon the noble Lord at the head of the Government whether he shall obtain for himself a reputation similar to that which was obtained under difficult and dangerous circumstances by Lord Chatham, or allow his Government to go down to posterity as the most calamitous, the most disastrous, and the most disgraceful since the time of Lord North. My Lords, what Her Majesty's Government have done since the last telegraphic communication which we have received is, so far as I am acquainted with their conduct, right. They could not, I think, have appointed a better officer than Sir Collin Campbell to be at the head of the army in India. I have at all times held the highest opinion of that gallant officer. I received it from the late Sir Charles Napier, who from the first moment of his acquaintance with him formed his opinion, which was afterwards fully confirmed, that he was one of the first officers we had. But in order to give full effect to the abilities of Sir Collin Campbell, two things are necessary; first, that in acting as Commander in Chief in India he should be altogether relieved from the thraldom which it has been too customary to subject commanders of forces in the field in India to—the thraldom of politicals: the next is, that he should, as Lord Harris did in the time of Lord Wellesley, carry with him the whole strength and force and power of the Governor General. It was the pride of Lord Wellesley that he thus supported the officers under his command, and we see what successes in the field rewarded his wise and generous conduct. I approve the wise measure which has been adopted by the Government in India in appointing Sir Patrick Grant to the temporary command of the army. I do not ask whether they are strictly and legally justified in making that appointment, nor is it at the moment a matter worthy of consideration. They have regarded the public interests in placing the best man they could find at the head of the army. In doing so they have deserved well of their country. But, my Lords, observe this—that on the arrival of Sir Colin Campbell, Sir Patrick Grant will cease to hold the military command; and I must say that I have long regarded it as an object of the greatest importance that the Governor General should have the aid of Sir Patrick Grant as his military adviser in this crisis. It occurs to me that this great object can be effected in this manner—by enabling for a time the Court of Directors to appoint as an Extraordinary Member of Council a military officer. When once they appoint Sir Patrick Grant, he will remain in Council with the Governor General and aid him with his advice. There are already two respectable officers who act in that capacity—the one as military Member of Council and the other as military secretary. I respect them both for the creditable manner in which they discharged in previous situations their duties—the one as political officer and the other as Judge Advocate. But there was nothing whatever in their previous services which could enable them to give to the Governor General that advice upon which he may rely as an authoritative expression of that which it is right for him to adopt; and it is most desirable that his Council should contain such men. I know that persons are very much disappointed at not having received by this telegraphic communication an account of the capture of Delhi. I think that disappointment unreasonable. I did not expect to receive that account; nor do I think any one can fairly impute blame to the commander of our force that, at the worst season of the year, and without the means of carriage, he should not have made a march of more than 130 miles in the time that was anticipated. I understand, however, that our troops have succeeded in defeating a body of the enemy which opposed them in the vicinity of Delhi. This account brings two things to my mind. The first is that the insurgents must have been much stronger than we supposed if they were induced to go out beyond the walls of Delhi; and the next, I rejoice to say, is that it impresses me with the conviction that they have no leader to command them. Happening to know the ground I am not in the least degree surprised that they should have lost all their guns; because in such a position it would be impossible for them when pressed to carry their guns away. My Lords, we hear that the defection is becoming very general—that it is extending to the whole of the Bengal army, of whom 26,000 are in revolt. We hear more than this—we hear that in the Punjab all the Native regiments have been disarmed. Now, among those regiments there are two of which I happen to know the recent history—namely, the 16th Grenadiers and the 26th Light Infantry. The 16th Grenadiers was one of the noblest regiments of the Indian army. It bore on its colours almost as many records of actions fought and victories gained as any regiment in Her Majesty's service. It was brigaded with Her Majesty's 40th Regiment during the whole of Sir William Nott's operations in Affghanistan. It served at Maharajpore, and by the side of the 40th Regiment it equalled the Queen's troops in courage, fortitude, and devotion, and lost as many men. The 26th Regiment of Light Infantry distinguished itself under the command of Sir George Pollock. When Sir George Pollock joined the army at Peshawur, 800 men, out of the whole 4,000 men he found there, were in hospital, the majority of whom, however, suffered more from their own apprehensions than from any actual sickness. The only troops, under those circumstances, upon which Sir George Pollock could entirely depend were this 26th Regiment which has just been disarmed. My Lords, there must have been a continuance of mismanagement and misconduct which I cannot comprehend before the nature of the soldiers composing those regiments could have been so changed. There cannot have been one non-commissioned, and certainly not one commissioned, Native officer in those regiments who did not show his gallantry and fidelity under General Nott and General Pollock; and it is lamentable to think that the glories of two such regiments should be obliterated from the Indian army, or that any circumstances, whatever they may have been, should have occurred to alienate them for an instant from the Government, and to make the officer in command think it necessary to deprive them of arms which they have always borne so nobly and so successfully in the field. It becomes us, then, my Lords, to look forward and consider, from the facts we have before us, what is likely to be our position in India on the 1st of November—the time when our troops will arrive, and when, after the rains, it will be possible to move. I have endeavoured, my Lords, to form an opinion on that subject. I assume that we take Delhi—I assume that our troops continue to hold Delhi, Meerut, and the neighbouring stations. But I know the locality. No European regiments are ever stationed there on account of the sickness which prevails; and at the end of the rains even the Native regiments have from two-thirds to three-fourths of their strength prostrated. Therefore, if our troops take and occupy Delhi, if they expel the King from his palace and drive out all his forces, and even if they do everything in their power to promote the health of our men, you cannot possibly expect them to be in a state to resume operations on the 1st of November. All I can venture to hope is that they will be able to hold the places they occupy. In the very centre of the mutiny our troops will be like the French in Spain—they will hold what they stand upon, but little or nothing else. When the army, which constitutes our strength, is dissipated and gone, and the men have become, as they will do, rebels or robbers, it is impossible to believe that we shall be able to collect the revenue and administer the government. In the Punjab things may be a little better. You have able men there who, I trust, will be able to maintain their own. They may perhaps be able, through the aid of the local corps, to collect a portion of the revenue, but I do not think they can possibly do more. Certainly they will not be able to move beyond the banks of the Sutlej to render assistance to any other corps. All I can hope is, that in these provinces our authorities will stand their ground, and that the Punjab will be maintained. With your Lordships' permission I must enter into a few details, and examine what force we really want; because it is idle to talk of sending out regiments unless we know what are the demands upon us and what the troops are to do when they arrive. When the insurrection first broke out we had only two regiments at Calcutta and its neighbourhood. The Government sent for one regiment from Madras, and two from Bombay, which were in the Persian Gulf at the time. This, with another regiment previously ordered up, will make six regiments at Calcutta when these troops arrive. The first thing to consider is the protection of the capital, the seat of Government, where there is a treasury containing many millions, and an enormous amount of mercantile property. It is the point through which alone the Customs, the salt tax, and the opium revenue can be levied. It is essential to the maintenance of British authority in India not only that Calcutta should be held, but that there should be no possible doubt as to our holding it, and that the Government should be always able to act and legislate there in perfect security. In order to do this you must maintain at least three regiments there. In addition to the troops there you ought to have at least six steamers in the river to protect the Government offices, &c. Allahabad is a most important station at the junction between the Jumna and the Ganges; while at Lucknow—the centre of a great Mahomedan population—there ought to be more that one regiment. Thus, the whole of the six regiments which will arrive at Calcutta will be required for the protection of Bengal alone, without the power of moving beyond the confines of that Presidency, and, therefore, they will have no disposable force for retrieving affairs at the other provinces. Of these six regiments three must, at the earliest convenient moment, be sent back to their previous stations—one to Madras and two to Bombay—we must not run the risk of a movement in those Presidencies. Consequently of the eight regiments which we know have now been ordered to sail for India three will be detained in Bengal to supply the place of the corresponding number who will return to Madras and Bombay. Thus there will remain of the entire force of which we have as yet heard, only five regiments for any operations from Allahabad. I hold that five regiments are totally insufficient. And here I ought to observe that whatever force the Government may send out the difficulties of the Governor General in affording it the means of movement will not perhaps be insuperable, but they will be enormous ; and unless he interferes in the business himself, looking into every detail and communicating personally with the officers intrusted with the duty of furnishing transport for the troops, our measures will entirely fail. There is no use in having men if you cannot move them. In Bengal you cannot find horses to mount the cavalry, or for the purposes of the artillery. It is absolutely necessary that the horses should be sent from hence; and it is most desirable that you should at the same time give orders at the Cape and in Australia for the forwarding to India of all horses fit for the service of the cavalry and artillery. But I shall assume that these five regiments have all reached Allahabad. They will not, however, be there by the 1st of November. That is the day on which they will arrive at Calcutta ; and, having obtained the means of transport, they cannot possibly get to Allahabad before the 1st of January. This force will be wholly inadequate to enter without cavalry or artillery into a country with from 30,000,000 to 40,000,000 of inhabitants, full of disbanded troops, and containing the really military population of India—the Rohilla population. I say that your force should consist of at least nine regiments of infantry, three regiments of cavalry, and six batteries of artillery. Upon a late occasion Calcutta was left with only one battery of six guns, and although it is contrary to all our previous notions, it will be necessary, for the first time, to send artillery to India. And now comes another difficulty. The gun-carriages made here will be of no use there, and unless you send out orders to Madras and Bombay to provide gun-carriages, those made in this country will crack in pieces, and your guns will be lost. My Lords, I think I should fail in my duty if I did not say most decidedly that I do not think it sufficient to act on one line of operations only. There will be on the right bank of the Sutlej a force which may maintain its own, but which will be in jeopardy in the midst of a great population very warlike and very hostile, and I hold it essential that there should be a movement of troops by the line of the Indus and the Sutlej, which may connect itself with the force from Allahabad, and crush all opposition between those two points. This force should be equal to that proceeding from Allahabad. And more, I hold it to be most expedient, wise, and necessary, to go yet further, and to have some reserve of perhaps two European regiments—one reserve at Allahabad, and another at Sukkur on the other line of operations I have indicated—to which some Native regiments might be joined who might be relied on for the purpose of completing the communications, of sending up supplies, and protecting the rear of the army. And now, my Lords, what force is required ? Five regiments we have for the operation from Allahabad. If all the troops now in China are sent to India, those five regiments would supply the infantry force required for the movement from the side of Bengal. I assume that three regiments could be spared from Bombay for the movement up the Indus. You require, therefore, in addition to the eight infantry regiments now to be sent out to the five from China, ten regiments of infantry, six of cavalry, and twelve batteries of artillery ; and with these troops you must send horses, or they will be immovable. I firmly believe that, if Parliament and the Government will reinforce the army of India to the extent I have suggested, you may with absolute certainty—subject to those unforeseen accidents which befall all military operations—calculate that, by the end of April, the authority of the British Government will be firmly re-established in every part of the upper provinces. But, if you act in a different way—if you act undecidedly—if you think there is nothing in it, and that it will die out of itself—if you are not determined to put forth your whole strength, and crush this rebellion against your dominion, which threatens your existence in India as conquerors, you may depend upon it you will have entailed upon you campaign after campaign, and the suspense which will affect the minds of the whole people of India will imperil your rule, and destroy your character and authority in India. My Lords, I do not believe there will be any indisposition on the part of Parliament to support the Government, if the Government take the right view of the present state of things. It is for them to decide. I trust that they will prove worthy of the difficulties of their position, and of the greatness of the danger in which we are all involved, and that, by coming forward in a manner to maintain the national character and the public interests, they will give permanent security to our Indian empire, as well as honour—

which I shall not grudge them—for themselves. What I wish to know from the noble Earl is, what measures the Government now intend to take for the reinforcement of the army of India, and whether it is their intention to give, at the earliest period—that is, within three days—official information on the subject.

EARL GRANVILLE: I think the noble Earl was somewhat unjust to Her Majesty's Government in the beginning of his observations. I am not aware that any information has been sought for which has been refused by the Government. Her Majesty's Government have endeavoured to explain as fully as they can the events which have occurred in the East. There will be no difficulty in giving every information, either with regard to that which has been already received, or that which may be expected this evening or to-morrow, an official summary of which will give full information to the country. I assure your Lordships, once for all—because there are rumours about that the Government possess disastrous intelligence, which they are not willing to communicate—that the object of the Government is not to conceal the real state of affairs, whatever that state may be. I would go at once into the history of all that we know, but I have very little to tell, for the public have been put in possession by electric telegraph of the whole substance of what we know. The Government have only received three or four official communications by electric telegraph, namely, by Malta, Marseilles, and Trieste, all agreeing, in substance, with that published by the ordinary channels of information, and the only addition I can make to it is, that the last telegraph received states that the Punjab is perfectly quiet. I can assure the noble Earl that the Government do not treat this matter lightly. They consider this as a most serious question, and one most seriously to be considered, and they hold that it is their duty to take every precaution in their power, and to treat the matter as one of importance. But when the noble Earl talks of calamity, disgrace, and disaster, I cannot say that the Government share in that opinion. Whatever they may think of this serious crisis, they are not disposed to prophesy, and I think that the noble Earl himself, notwithstanding all his experience, would act more wisely and more safely for the public, if he satisfied himself with giving his opinion upon the facts he knows, and not upon facts based upon his imagination and upon the probability of what is likely to take place. Of course, any suggestions from the noble Earl, if not followed, will always receive, as they deserve, the careful consideration of Her Majesty's Government. With regard to those military details upon which the noble Earl has entered, I am incompetent to go into them, and even my noble Friend (Lord Panmure), and the illustrious Duke (the Duke of Cambridge) behind me, however competent, will, perhaps, not think it convenient or desirable to follow him into those details. But so far as we are acquainted with what the Governor General has done—and I now speak for Her Majesty's Government—we are perfectly satisfied and entirely approve every act brought to our knowledge which has been taken by the Governor General in dealing with these events. In regard to the Government at home, they will not neglect to take every precaution to strengthen the hands of the Governor General. There is a notion, which may, perhaps, cause additional anxiety, that the Government possess information with regard to particular persons, but with respect to whom we have no information whatever. I regret to say, that the melancholy news is too true that General Anson has died from cholera at Kurnaul; but the Government has not received information of the death or illness of any other person. Your Lordships who knew the character of General Anson, and who appreciated his abilities, his sound understanding, his clear judgment, and that presence of mind which is equally valuable in civil as well as military matters, will feel the great regret that the Government entertain at the death of General Anson. I think that the Governor General has acted judiciously in his temporary appointment of Sir Patrick Grant; and I am grateful for the noble Earl's approval of the sending out of Sir Colin Campbell. Whatever may be the course taken in his selection, every one must think that infinite credit is due to that gallant officer in being ready to start for India within a few hours after he was informed that his services were required. I am not aware I can give the noble Earl any further information. The noble Earl argues as if there were a general insurrection, but it has not extended beyond the army. As to the regiments that have been disbanded, we have no knowledge that they had any communication with the rebels. Her Majesty's Government will give the fullest information to Parliament and the country; they will act with the greatest vigour on the present emergency; but they will not give way to unfounded apprehensions of any great calamity and disaster.

VISCOUNT MELVILLE said, that the condition of the Bengal army was one to which his attention had some time since been directed, and he had no hesitation in saying that it was the worst in the world. The want of discipline which had recently been manifested in its ranks was a circumstance of no unusual occurrence. He had served with that army, and he was therefore in a position to state the reasons to which the difference which existed between it and the Bombay and Madras armies was to be attributed. The system of appointing Native officers in the Bengal army he looked upon as one of the causes of that absence of discipline by which it was characterized, and probably of the mutiny which had lately taken place. Those officers, he might add, were, generally speaking, selected, not for their merit or fitness to command, and were raised from the ranks when they were old men, and when disaffection at not having previously been enabled to obtain their discharge from the service had, to a considerable extent, operated upon their minds. In the Bombay and Madras armies, upon the contrary, a different system prevailed. The havildars in those armies were selected for their intelligence and activity, and were recommended for promotion to that rank by the commanding officers of their regiments. But, be that as it might, nobody could deny that the discipline of the Bengal army was of the worst possible description, and in that light it had been looked upon by the late General Anson, who had in consequence, ever since he had assumed the command of the army in India, deemed it to be his duty to represent to the Board of Directors the absolute necessity of increasing the European force in India — a recommendation to which, however, so far as the Government was concerned, no sort of attention had been paid. In proof of the statement that the discipline of the Bengal army was of the worst description, he might inform the House, that in the year 1849, shortly after the first occupation of the Punjab, when he commanded on the frontier, two Bengal regiments mutinied; and when he returned home in 1850, he expressed the greatest disapprobation of the condition of the troops of which that army was composed. He was, however, told that, no matter how just his opinions upon the subject might be, he must not give utterance to them in public, inasmuch as it was extremely undesirable that foreign nations should be acquainted with the real state of affairs. The result, at all events, was, that no steps were taken in the matter by the Board of Directors, and that the discipline of the Bengal army continued to be of that character to which he had drawn their Lordships' attention. He had had the honour of commanding the Punjab division of the Bombay army, and he had no hesitation in saying, that nothing could be more praiseworthy than the conduct which the troops composing that division had exhibited. To show their Lordships how different was the conduct of the Bengal army, he might state a circumstance which took place at the siege of Mooltan, and which was reported to him by an officer who was present on the occasion. A covering party was ordered into the trenches, and some disturbance having occurred among them during the night, the officer to whom he referred went to ascertain its cause. He found that it arose from the fact that some soldiers of the Bengal army had been endeavouring to prevent the men belonging to one of the Bombay regiments from digging in the trenches in discharge of their duty, observing that they were sepoys, and should fight, but would not work. Yet the officer in command of those Bengalese had not ordered them into confinement, notwithstanding that they had not done one bit of the work which had been ordered by the engineers; and it was not until the officer threatened to have two of the Bengal men, who were the ringleaders, shot, that they could be got to retire. He might also add, that the morning after the assault of Mooltan, Mr. Lake asked the officer in command of one of the pickets to post a sergeant and twelve men at one of the gates of the town, to prevent any one going in or coming out. The officer did so; but not long after the men had taken up their position, three officers of the Bengal Engineers came up, one of them having a loaded gun, and bearing between them something covered by a piece of tarpaulin, which they represented to be engineering stores. They were, however, told by the guard that they could not pass, and, the tarpaulin having been raised, that which they were in reality carrying was found to be plunder. The circumstance was not reported, lest it should be ascribed to jealousy; it, however, showed the want of discipline in that army, and that the officers did not perform their duty as those of the Bombay army did. But it was unnecessary to cite further instances in proof of the accuracy of the opinion which he had expressed in reference to the spirit which prevailed among the troops of the Bengal army. He trusted, now that a fitting opportunity of dealing with the subject presented itself, Her Majesty's Government would become alive to the necessity of reorganizing that army, and placing the whole system upon which it was based, upon an entirely different footing. As to the existing mutiny in India, he could not find in the fact that certain cartridges had been issued, a sufficient reason for its occurrence. It was, indeed, difficult to ascertain to what the breaking out of that mutiny was immediately to be attributed; but of one thing he felt assured—namely, that the Government would act very culpably if they did not pay due attention to the representations which had been made to them in reference to the want of discipline which prevailed among the regiments of the Bengal army.

THE EARL OF ALBEMARLE said, he attributed the existing discontent in the Bengal army to the fact, that men of high caste were exclusively employed in the Bengal service, and in that opinion, he might add, he was confirmed by a letter which he had received from Dr. Buist, the editor of the *Bombay Times*, distinctly attributing one of the causes of the mutiny to the policy of the Indian Government in selecting men of high caste to the exclusion of every other caste. In Bombay, on the contrary, men of high and low caste were employed without distinction, and no difficulty had been found in their acting together; and, although 10,000 men had been sent from that province to the Persian Gulf, a disposition to mutiny had not even in a single instance been evinced among those troops. The mutiny which occurred in 1825 at Barrackpore, was altogether to be attributed to causes having their origin in the prejudices of caste.

THE SWISS LEGION.

PRESENTATION OF PETITION.

THE EARL OF MALMESBURY *presented* a Petition from the Officers of the late British Swiss Legion, complaining that the agreement under which they were enrolled by the British Government has been violated in respect of their Pay, and praying for Redress; and said: My Lords, I gave notice some time since of my intention to bring under the notice of your Lordships a case which, *primâ facie*, seems to me one of hardship as regards the petitioners in the matter, who were officers in the Swiss Legion. I wish particularly that your Lordships may be persuaded, and Her Majesty's Government convinced, that I have no intention whatever of making any attack on her Majesty's Ministers, or bringing any accusation against them. The case is simply one of no less than forty-seven officers of the Swiss Legion, who complain that certain articles under which they were enlisted have not been faithfully fulfilled by her Majesty's Government; and that they have not received the amount of pay which they expected, and to which, as they allege, they were entitled under those articles. The whole case depends on the accuracy of the statement made by the petitioners; and this being so, my Lords, I think I cannot do better than read their petition to the House. It is as follows:—

"THE HUMBLE PETITION OF THE OFFICERS OF THE LATE BRITISH SWISS LEGION, COMPRISING THE 1ST AND 2nd BATTALIONS OF THE 1ST REGIMENT,

"Humbly showeth,—That in the months of May, June, and July, 1855, your petitioners were enrolled (pursuant to the Foreign Enlistment Act) in the above-named legion, under certain articles of enlistment then printed and published, at Bern, in Switzerland, dated Schelestadt, 1855, and bearing the signatures of

"HANS SULZBERGER, Colonel.
CHARLES EDWARD FUNK, Lieut. Colonel.
JOHN BAUMGARTNER, Captain (Staff).

"These gentlemen, formed under the presidency of Colonel Dixon, the commission appointed by the English Government to enlist and organize the Legion; the articles alluded to were promulgated by Sir G. Gordon, the British minister at Berne, Colonel Dickson, the said president of the Swiss Committee, and by the members of that body, and your petitioners were sworn in under those articles and under the precise terms and stipulations therein contained.

"That such articles contained amongst other things the following stipulations:—

"Art. 2.—'That the officers and men should be enlisted for the duration of the war, and for twelve months after the ratification of peace.'

"Art. 25.—'That upon disbandment the officers should receive fifteen months' full pay, and the non-commissioned officers and men the full pay of two years, according to a certain tariff therein set forth, and subject to certain reductions if retained in service after the ratification of peace.'

"That in July following the British Government caused certain other articles, without date, to be printed and published, bearing the signature of Colonel Charles Sheffield Dickson, wherein it is stipulated by

"Art. 1.—'That the officers and men should be enlisted for the duration of the war, and for one year after the ratification of peace.'

"Art. 10.—'That on disbandment the officers should be allowed three months' pay to carry them home.'

"These terms do not appear to differ from those of the original articles, as thereby also your petitioners would be entitled to fifteen months' pay after the ratification of peace.

"That upon disbandment your petitioners of course claimed the fulfilment of the terms under which they enlisted, but the War Office refused to recognise the original articles, terming them unauthorized and spurious. They offered the three months' pay, which your petitioners accepted, under protest, and an arrangement was then made that, should your honourable House sanction the fulfilment of the articles of enlistment, the War Office would make no further objection to carrying out such stipulations.

"That a further offer of three months' pay has since been made to some of your petitioners, which in most instances has been rejected.

"That your petitioners were led to believe the accredited articles issued by the military agents of the British Government in Switzerland, and promulgated by the British minister at Berne, and never doubted the honourable fulfilment of the articles of stipulation.

"That your petitioners, numbering forty-seven officers of the British Swiss Legion, and forming the 1st and 2nd battalions thereof, were legally enlisted and sworn in under the said original printed articles, issued at the English Ambassador's office, at Berne, no other articles being at that time in existence, and that it was not until three months after their enlistment that the second articles were published."

Now, my Lords, whether the articles relied on by the petitioners be spurious or not, assuming to be true what is stated by Colonel Baumgartner, and his evidence on the matter is attested by various local authorities, there must have been some articles printed and promulgated early in May, 1855, under the supervision of Sir G. Gordon, Colonel Dickson, and the other members of the Swiss Committee; and this must be true, that those officers having enlisted in the month of June or the beginning of July, before the second articles were issued by the noble Lord at the head of the War Department, must have been enlisted under that first code. The question, then, naturally arises, whether the Government should not carry out this first convention, the non-fulfilment of which did not arise from any fault of those officers, and which they alleged they believed to be *bonâ fide*, and not a spurious one. To show that this convention was not a spurious one, but had all the authority of the Swiss Committee, Colonel Baumgartner made a declaration, of which the following is a copy;—

"I, John Baumgartner, late a major of the British Swiss Legion, and one of the Swiss committee appointed by the British Government to organize the legion, do hereby declare that the military convention under which the officers were to be enrolled was drawn by me and submitted to the other members of the committee, and as several articles therein remained undecided upon, as Colonel Dickson was waiting, as he pretended, further instructions from his Government, it was agreed to publish extracts of such articles as had been agreed to by Colonel Dickson, and such extracts were accordingly prepared by me (as was afterwards also the full convention), but altered and corrected by the other members of the committee, as the first and second drafts thereof now in my hands, with alterations and corrections in the handwriting of Colonel Dickson, will prove, and such extracts fixed the allowance of pay for *retraite*. It was found necessary to do this, as we could not begin the levy until some conditions were published.

The whole commission gave their sanction for the printing and publishing of such extract after it was corrected and approved by Colonel Dickson. The secretary to the commission superintended the printing, and the first printed copies were handed to Sir G. Gordon, the British Minister at Berne, others were taken to the recruiting office, by which, as also by the members of the commission, Colonels Sulzberger and Funk, the same were promulgated; all costs and expenses of the printing were made on account of the British government, after the bill was approved of by the commission; the extract was printed in May, 1855, and between that time and August following, when Colonel Dickson's convention was published, more than 30 officers were enrolled. The extract of the first convention was never revoked or disavowed.

"Given under my hand and seal, at my residence, at Schelestadt, department Lower Rhine, January 4th, 1857.

(L.S.) "JOHN BAUMGARTNER."

In addition to that, my Lords, we have the affidavit of Captain Grussy, which is as follows:—

"AFFIDAVIT OF CAPTAIN GRUSSY.

"Appeared personally, Charles Louis Grussy, an officer of the British Swiss Legion, and made oath, that in the month of May, 1855, deponent was acting as lieutenant in the British Swiss Legion, and in that capacity was detached for Berne, when the British Swiss Legion was about to be established, and as the recruiting was against the Swiss law, deponent would have been liable to arrest, but the British Consul, Sir G. Gordon, procured for him the authority of an attaché of the British embassy, with the customary privileges and exemptions. That deponent in the performance of his duties was witness when the articles of enlistment were printed, at the office of M. Jenny, Son, at Berne, on the 26th of May, 1855, and was also witness to the promulgation of those articles amongst the Swiss officers by the officials of the British consulate, and deponent was ordered by the English consul, Sir G. Gordon, to promulgate those articles so printed at Berne, and dated 'Schelestadt, 1855.'

"Sworn at Dovor, in the county of Kent, this 8th day of October, 1856. } GRUSSY, Captain.

"Before me,
"W. H. PAYN,
"A Commissioner to administer oaths in Chancery in England, ex-Mayor of Dovor."

Now, my Lords, having read these documents, I can only say, that the case is on the word of one man against that of another. We are told by Colonel Baumgartner that the articles, the fulfilment of which these forty-seven officers demand, had not only his approval, but that of the whole Commission, who gave their sanction to the printing and publishing of the extracts now relied on by those officers. No other rules were printed before the month of July, so that those men who entered the Legion and took the oath in the month of June, must have had shown to them this code, which is now declared to be spurious by my noble Friend, the Secretary of War, and the English Government. As regards the authenticity of the extracts in question, that question is, as I said before, one which rests upon the word of one man, as against that of another. But, my Lords, the main question involved in this difference between Her Majesty's Government and those forty-seven officers is, indeed, a very serious one, both as affects the honour of this country and her future policy. On an occasion like the present, when the extent of our military resources must naturally engage the attention of Her Majesty's Government and every member of your Lordships' House, the consideration of a question like that the subject of this petition is one not altogether foreign to the business which has just been before us. Some day or other it may be thought desirable to again enlist foreigners. When the question of foreign enlistment was first mooted in this House, I was one of those who expressed regret that such a measure should be resorted to; but the late war showed me the very great difficulty which we should have to encounter in carrying on hostilities on an extensive scale, and raising armies equal to those put in the field by great military Powers, if we were compelled to confine ourselves to the voluntary system of enlistment. Therefore, my Lords, I think it most important that this country should continue to uphold its good name with foreigners, and I am of opinion, that the Swiss are the best foreigners that we could, in times of emergency, enlist into our service; because there is not in Switzerland that opprobrium to enlistment in foreign armies that exists as a feeling in other countries. The Swiss have for centuries served in foreign armies, and such service is in that country esteemed an honour. I would then, my Lords, say that, not only as a point of honour, but also as one of policy, it is incumbent on our Government to keep faith with foreigners enlisted in Her Majesty's service. I would go further, my Lords, and say, that if, under the difficulties of war, and acting as it were under a fear of doing that which was illegal, any of our agents smuggled a code of this kind into the pockets of Swiss officers, still we ought to be most scrupulously careful in fulfilling all engagements which foreigners believed we made with them when inducing them to enter our service. These forty-seven officers believed that they were enlisted under a particular code. Whether that code be spurious or not is another question. The entire claim of the petitioners only amounts to £2,700; and I cannot believe that such a sum is of moment as compared with the importance of leaving Switzerland and all other foreign nations under the impression that this country is anxious to do her duty towards those who responded to her call in the hour of need. Having said thus much, my Lords, I shall make no further observations on this petition till I shall have heard my noble Friend, the Secretary for War, reply to what is, in my opinion, at least a *primâ facie* case.

LORD PANMURE said, he did not find any fault with his noble Friend for introducing this case to their Lordships, but he thought the fact that this petition was signed by only forty-seven out of the large number of officers belonging to the Swiss Legion would show that its complaint was by no means a general one. He assured their Lordships that, in settling the claims of both officers and men of these foreign corps, there had been, on his part, every disposition not only to act up to the terms of the engagements which we had made with them, but even to extend the generosity of this country beyond that limit, in order to show that we appreciated the service which they had rendered to us. Of course, in the settlement of these claims, many disputes occurred both with officers and men; but, if his noble Friend had been at all aware of the infinite care which had been taken to adjust these matters, and of the almost unanimity with which they had been adjusted, and the corps disbanded with the entire satisfaction both of officers and men, he would not in any way have questioned the disposition of the Government to deal fairly with all these persons. But there was a peculiarity about these forty-seven officers which he must explain. He assured the House that he had considered the case with reference to the position of both parties, without regard to the trumpery sum which they claimed, with a view of settling their claims according to what was right, but so as not to awaken claims in others for which there was no ground. It was asserted by these officers that they were enlisted—that was not a proper term—that they accepted service under Her Majesty upon certain conditions. Colonel Dickson was the officer charged with carrying out the Foreign Enlistment Act, so far as concerned the raising of a Swiss Legion. Early in May, he (Lord Panmure) sent that officer to Switzerland, giving him in this country a letter of service, in which were recorded the terms upon which he thought it right that that regiment should be raised with regard to both officers and men. As this enlistment for the British army was not recognized by the law of Switzerland, Colonel Dickson established, at a place on the frontier, a committee of three officers, consisting of Colonel Sulzberger, Lieutenant Colonel Funk, and Major Baumgartner, of which he was himself the president; and at this place the formation of the Legion was carried on. Afterwards Colonel Dickson went to Berne, and there, in conjunction with the committee, he drew up articles of service, and directed that they should be printed as they had been drawn up. This direction was not carried out. One member of the committee, Major Baumgartner, took upon himself to have printed what he called an extract from these articles, and to this he forged the signatures of the other two members of the committee, both of whom now denied that they gave him any authority to append their names to this spurious extract. In the course of time Colonel Dickson saw this "extract" in print, and he immediately took steps to deny its authenticity, and to explain to every officer who had been engaged under it that these were not the terms upon which service under her Majesty was to be taken; and up to the disbandment of the legion no officer complained that he was not satisfied upon this matter. That, however, was not all. The spurious extract appeared to have been issued at the end of May or beginning of June. Colonel Dickson immediately took means, by writing to the Swiss newspapers, and by sending them copies of the Foreign Enlistment Act, and of the genuine articles, to establish its falsity: and, so far as appeared from documentary evidence, it was impossible that any officer could have been deceived by it after the beginning of July, some time after which date it was that the large majority of those who had signed this petition took service. It appeared to him that this was a case which had been got up by English lawyers. At the disbandment of the legion, some officers who thought they had claims under these articles communicated with Colonel Hackett, who conducted the disbandment abroad; but, by conversing with them, he satisfied them that they had no such claims. These officers, however, appeared to have fallen into the hands of English lawyers, who had given them bad advice; because, upon being disbanded, all the officers, these petitioners included, had signed a receipt stating that they had received their gratuity, and had no further claims upon the British Government. In their petition, these forty-seven officers stated that they signed this receipt under protest, but he could find no trace of the existence of such a protest, and he believed that the whole matter had been got up since. He was confirmed in this view by the fact that, after the claim had been raised, he received a letter from a solicitor and ex-mayor of Dovor, intimating that the matter would be brought before Parliament, but that he was open to a compromise, if he (Lord Panmure) would accept it. He refused to accept that offer, and in doing so he thought he had acted well, both with regard to the honour and credit of this country, and with regard to that responsibility with which he was bound to look to the expenditure of the public money which Parliament so liberally placed at the disposal of the Government for carrying on the war. He entirely agreed with his noble Friend (the Earl of Malmesbury) that it was absolutely necessary that no idea should exist in the minds of these foreign officers that faith had not been kept with them, and that they should have no feeling which could deter them from serving the Government on a future occasion. He had much gratification in informing his noble Friend and the House that one officer whose name was attached to this petition, Major Häfelin, had only that morning written to the Foreign Office to say that, having heard of the state of affairs in India, he and a great many others were most willing to re-enter the service of the British Government, and that no doubt, if England required them, she could call from the mountains of Switzerland all those who had formerly so zealously enrolled themselves under her standard. He (Lord Panmure) had received similar offers of service from many other officers, and he was quite convinced that in disbanding the Swiss Legion at the close of the late war we left upon their minds the impression that England had dealt fairly with them, as they had dealt fairly with England. He could not forbear from stating the following facts. The formation of the Legions commenced in the month of May, 1855. In the month of August, 1855, 4,000 of these soldiers, thoroughly equipped, thoroughly armed, and thoroughly drilled, were reviewed by Her Majesty at Shorncliffe, and in less than six weeks afterwards 6,000 of the Legion were transported to the neighbourhood of the seat of war ready for action. He had received the highest testimonials of their conduct, both in this country and at Smyrna. With reference to the general question of foreign enlistment, he agreed with his noble Friend that so long as we had no conscription in this country we must not give up the power of enlisting foreign troops in our service. As the noble Earl had observed, we were bound to deal with them fairly and honestly; but at the same time, as Minister of War, he was bound to see that we did not deal with them on any but terms of fair justice, and to protect the taxpayers of the country from paying more than was right even for the best article.

THE EARL OF MALMESBURY admitted that in some respects the noble Lord had answered many of his remarks satisfactorily, but he had not explained how his own articles differed from those which were supposed to be spurious. The articles as stated in the petition could be construed in two ways. The officers of the Legion believed that they entered our service for one year after the ratification of peace; but the Minister of War thought that that was entirely a mistake, and that he had the power of discharging them before that time, and also of retaining them to the expiration of it if he thought fit. That was the point in dispute between the officers and the War Office. He believed that the articles might be construed both ways; but any way those officers who had entered our service under this idea, and who had been deceived by the officials of the Government, ought, he contended, to be indemnified, and to be paid the sums which they expected to receive. He was astonished to hear that Colonel Funk had repudiated his signature, for he held in his hand a letter from that gentleman's solicitor, in which he said not one word of repudiation of the signature, but that he had received within the last few weeks instructions from Colonel Funk to institute an action at law against Colonel Dickson for his repeated slanders against his character. With respect to the receipts in full of all claims given by the officers, all he had to say was, that when the Minister at War gave the officers a gratuity of three months' pay it was accompanied by a letter from the War Office, stating that it was given without prejudice to any future claims, and they gave a receipt, therefore, without prejudice to future claims. There was such discrepancy and such contradiction in the evidence that he was perfectly unable to say any more upon the subject, but must leave it to the sagacity of the noble Lord to go to the bottom of it.

LORD PANMURE said, he had received the following letter from Colonels Funk and Sulzberger in respect to their signatures to the article:—

"The undersigned have the honour to state that the so-called extract from the Convention, dated Schelestadt, 1855, was made without their co-operation; that it is said that the same has been arranged by Colonel Dickson and Major Baumgartner, and that during the absence of both (undersigned) their signature has been attached to it, and has been published.

"We have, &c.,
"H. SULZBERGER, Colonel.
"K. FUNK, Lieutenant Colonel."

THE EARL OF HARDWICKE denied that it was at all necessary for this country to have recourse to the employment of foreign troops in time of war if proper measures were taken by our Government at the outset. On the contrary, we might always raise men enough among our own population both for defensive and for offensive purposes. It was the stinginess of the Government at the beginning, and their unwillingness to offer a sufficient sum of money to tempt our own people to enter into our military service, which rendered it necessary to turn to foreign countries for men. This description of force had never been found so satisfactory as our own troops, and by this means of increasing our armies we ran the risk of getting into collision with foreign Governments. The noble Earl concluded by moving for a Return, already presented to the House of Commons, showing the cost of raising and maintaining the Foreign Legions (which was afterwards agreed to).

THE EARL OF CLANCARTY said, that it was a most impolitic thing to have recourse to foreign aid. It would be almost better to raise troops by conscription at home.

Petition ordered to lie on the table.

IMPROVEMENTS IN ST. JAMES'S PARK.

OBSERVATIONS.

THE EARL OF MALMESBURY: I rise to call the attention of the House to the correspondence between the Treasury and the Board of Works on the subject of the Ornamental Water in St. James's Park, and to the expenditure which has taken place, by way of improving, as it is said, that locality. When, six weeks ago, I asked my noble Friend opposite (Earl Granville), what the expense of that work would be and presumed to guess it would amount to £14,000, I was triumphantly answered by my noble Friend, who said that it would only cost £11,200. He further stated that there would be a great advantage and saving of public money by the expenditure now going on, as £900 a year now paid to the Chelsea Waterworks for water would thereby be saved. I further observed—and this is a much more serious part of the subject—that the expense had taken place without any authority whatever from Parliament; that a correspondence must, I suppose, have passed between the Treasury and the First Commissioner for Works, but that there appeared nothing in the Estimates to lead me to suppose that the money asked for had been voted by Parliament. Assuming these points, which were to a certain extent affirmed by the speech of my noble Friend opposite, I asked for returns showing why the expense had been undertaken so urgently and suddenly without the consent of Parliament, and I asked for the correspondence on the subject between the Treasury and the right hon. Baronet the Chief Commissioner for Works. My noble Friend promised this six weeks ago, and repeated that promise three weeks ago. I moved for it a week ago, but I have not since seen or heard anything about it. Fortunately, however, there is a correspondence which answered my purpose moved for by Sir Francis Baring in the House of Commons, and to this I beg to draw your Lordships' attention. My noble Friend opposite said that the question was a sanitary question, and that the expenditure was made on sanitary grounds. He said that the right hon. Baronet the Member for Marylebone had been besieged by protests against the unwholesome state of the water in St. James's Park. But Sir Benjamin Hall does not add to the correspondence any prayers from petitioners who, being within the reach of the miasma from this lake, complained of its unwholesome exhalations. Now, the public health was in peril, and that no time was to be lost, would have been the only justification for so unconstitutional a course as the expenditure of £11,000 upon the lake in St. James's Park, and £4,000 upon the drain, without the previous sanction of Parliament. But what is the history given by Sir Benjamin Hall himself of these works in these lakes, that of the Serpentine and that in St. James's Park? He says that originally there was a limpid stream flowing from Bayswater into the Serpentine, which, as he correctly says, was now turned into a sewer. That was a feeder, to a certain extent, of the water in St. James's Park. Naturally, then, as the population increased, these lakes required a supply of water from a different source. Accordingly, in 1840, the Government applied to the Chelsea Waterworks, who agreed to supply the Serpentine with a certain quantity of water at £600 a year. This is to be saved, it is said. But I am puzzled how £900, which my noble Friend says is to be saved out of the transaction, is to be saved out of £600. If my noble Friend can solve that problem I trust he will be Minister of Finance for this country to the last days of his life. It appeared to most people, and also to Sir Benjamin Hall, that the one obvious way of correcting the evil was to divert the polluted water derived from the drains which flowed into the Serpentine, and admit only the pure. But this alone was not sufficiently ambitious for the mind of the Chief Commissioner of Works. He went to other persons and asked what a much larger operation would cost—that of draining the lakes and paving them with a sort of concrete. Now, in 1835 the late Sir John Rennie was consulted on the subject, and he estimated the cost of purifying the lakes at £12,000. At a subsequent period, Mr. Mann, the gardener of the parks, estimated the cost at £25,000. These estimates were made during the modest and methodical Government of Lord John Russell, when the Earl of Carlisle was at the Board of Works. But even these were rejected by Sir Charles Trevelyan. A very different answer was given to Sir Benjamin Hall. We are not now under a modest and methodical Government like that to which I have referred; we are under the rollicking rule of the noble Viscount, and the management of the metropolis is confided to the right hon. Baronet the Member for Marylebone. Under these circumstances, Mr. Mann's estimate for cleansing the Serpentine has risen to no less than £110,500, while that, for diverting the sewer is £22,000, and this does not include the lake in St. James's Park, for which a sum of £28,900 more is charged, and for diverting the sewer which runs under the Horse Guards £4,000 more; on the whole, £165,900 for these colossal operations of Sir Benjamin Hall. There is one thing I should have liked to see, and that is the face of Sir Charles Trevelyan when that estimate was handed in to him. If that face had had the power of Medusa's face when Sir Benjamin Hall handed it in, it would have turned him to stone, and we should at once have had a ready-made statue of the right hon. Baronet to immortalise him. The sum included in this estimate, I may remind your Lordships, is sufficient to pay four regiments, and to keep 4000 or 5000 bayonets for a whole year. I think it must be difficult for even a Whig Government to extract much money from Sir Charles Trevelyan. I know from experience that it is impossible to a Tory one. I think one of the greatest triumphs of my noble Friend the Secretary of State for Foreign Affairs, and it was an attempt in which I failed, was in succeeding in strengthening the staff of the Foreign Office, which was so much undermanned; but not only Sir Charles Trevelyan, but Mr. Wilson was startled at the prospect of £165,000, and came forward with the common-place suggestion that they should begin by diverting the Bayswater sewer. The right hon. Baronet then went and asked for other estimates, on which Mr. Mann reduced the estimate to £65,000, being £100,000 less than the first. This is only important as showing how much money men can spend when they are perfectly reckless. Well, on the 27th of August, 1856, the Treasury gave leave to spend £16,000 on cleansing the lake in St. James's Park. But Sir Benjamin Hall said that the Commissioners of Sewers must divert the sewer, so that after all the real evil still remained to correct. Then there was a hiatus in the correspondence. But on the 27th August the Treasury say that they will make the advance necessary for the purpose in anticipation of the vote to be taken in the Estimates of the following year. But I do not find, as there should be, any letter from the Pay Office authorising that statement, and stating from what fund the money was to be taken. This, then, raises a very serious constitutional question—whether it should be permitted for any Minister, however urgent the case may be, to spend money without the authority of Parliament? I deny the urgency in this case. How is the pond situated? There is Buckingham Palace at one end; there is Carlton Terrace on the north side, Birdcage Walk, and the Wellington Barracks on the south, and on the east there are the official residences of many of the Ministers and the public offices. I should like to see any of the complaints that come from any of these parties. Now I will mention the names of some of those who live in that neighbourhood, and the House will judge whether these persons have suffered much from the miasma. I will take my noble Friends the Earl of Clarendon, the Duke of Leinster, the Speaker of the House of Commons, the Prussian Minister, Earl Lonsdale, Lord Overstone, and others, and I will ask my noble Friend opposite whether he sees in any of those gentlemen the signs of premature decay. Most of them are his intimate friends. Has he been alarmed for their lives? Can he state that any of these gentlemen or their neighbours have intimated any fear for their health, or any apprehensions of the value of their property being deteriorated in consequence of the state of the lake in St. James's Park? Then, what is the case with respect to Whitehall—the noble Viscount at the head of the Government having long lived there. The Comptroller of the Exchequer, I believe, lives in Birdcage Walk. I believe that there are no haunts more healthy than those of the squares in that locality. Therefore I cannot think what excuse the right hon. Baronet could have had to violate one of the most sacred rules of the constitution, not to spend a shilling without a vote in Parliament. The moment a Minister is allowed to divert money from one purpose to another, there is no reason why £5,000 or £10,000 voted for an object unanimously approved of, should not be applied to an object on which no two people had the same opinion. It is impossible to say what may be done by a daring Minister like the one at the head of the Government if this be permitted. He may get into one of those little disputes which sometimes arise in the course of his Administration. He may begin and carry on a war without asking Parliament for money or for leave to undertake it. And then when Parliament meets again, the Minister may turn round to the House of Commons, as he has done, and say, "You owe me £500,000." I am sorry to say that the House of Commons was so treated, and what is more, that it submitted quietly to such treatment. What I object to is more money being asked for than is wanted. Money should be asked for on account, as works are proceeded with. That is the only way you can check public functionaries. In 1849, the late Lord Auckland thought it necessary that a dockyard should be established at Pembroke. In carrying out the works he exceeded the Estimates. The late Mr. Hume then moved a Resolution, which was adopted by the House of Commons, in which, after setting forth that the expenditure in the naval department had, for the years 1847-48 exceeded the appropriations by £300,000, and that that on the Pembroke dockyard was £52,000 in excess, it was declared that that House concurred in the opinion expressed by the Treasury with regard to the great excess of expenditure under the control of the Admiralty, and that it was of opinion that the proper course was to postpone the enrolment of men after the money voted by Parliament was expended, and not to engage in any fresh expenditure after that sum was exhausted. This is one of the Resolutions that had been adopted by the House of Commons, and it appears to me that nothing but recklessness or vanity could induce a Minister to disobey it. No reasonable sum of money for a useful purpose, if asked for in the ordinary way, would be refused by Parliament; and it is not because a Minister may have a particular fancy for one thing or another that he can, without consulting anybody, undertake such works as these. The right hon. Baronet in the present case, following his own caprice, has dipped his hand into the public pocket, trusting to the indulgence of Parliament for its repayment.

EARL GRANVILLE said, he thought that his noble Friend had attached too much importance to the matter. The delay of which the noble Earl complained in the production of the papers for which he moved was occasioned by an irregularity. By some omission or another no formal order was given at the time the papers were moved for. The formal order was only given on the 6th July, and the papers were not in the hands of the printer on the 9th of July. The noble Earl had complained of the nature of the works in St. James's Park, and of the expense incurred in respect of them, without the assent of Parliament. He had, on a former occasion, complained of the character of the water, which he said would be dirtier instead of cleaner, and that the ducks would all die. Now, on the 19th of June there was a great thunder-storm, and the rain fell in such violence as to sweep a great deal of dirt on both sides into the lake, and consequently the lake remained for some time in a bad state. A few days after that occurrence his noble Friend gave notice that he would call their attention to the state of the water and the works generally carrying on in the park. The noble Earl no doubt felt that he had a triumphant case from the state of the water; but very soon after the water was purified; and it was now impossible for any one walking by the side of the lake not to see the improvement which had taken place. With regard to the strong point in the noble Earl's complaint, namely, the amount of expenditure upon those improvements without Parliamentary sanction, he begged to remind his noble Friend that since he had first brought the subject under the consideration of their Lordships no less than two discussions upon the matter had taken place in the other House of Parliament, and after a careful consideration of it, the right hon. Baronet himself having had an opportunity of explaining his conduct, the House of Commons was induced to acquiesce in the measure, and expressed the opinion generally that the right hon. Baronet had acted judiciously in having saved the country an expenditure of £5,000, and had effected most excellent arrangements. The question having been thus satisfactorily settled, he thought it rather too much to have the subject again opened. The Estimate having been agreed to by the other House it was scarcely competent for the noble Earl to renew the matter. He did not object to the noble Earl applying epithets generally to those from whom he differed, but at the same time he thought it somewhat unworthy of him to apply the words "rollicking rule" to the conduct of the noble Lord at the head of the Government. What he also complained of was, the noble Earl attacking civil servants of the Crown, who were not there to defend themselves. The noble Earl made an accusation against Sir Charles Trevelyan, in saying that while that officer was willing to afford every assistance to a Whig Government he was indisposed to give any aid to a Tory Government.

THE EARL OF MALMESBURY: I said nothing whatever that could be considered disrespectful of Sir Charles Trevelyan. I stated that when I had the honour of a seat in the Cabinet there were many improvements in the Foreign Office, which, notwithstanding I had much trouble about, I was unable to have carried out. Those improvements were subsequently carried out by my noble Friend opposite, and nobody could be more rejoiced at it than myself. I stated that fact in connection with the assistance sought for from Sir Charles Trevelyan, but not in a manner disrespectful to Sir Charles Trevelyan.

EARL GRANVILLE thought that Sir Charles Trevelyan was quite right in the first instance to raise as many objections as possible to the expenditure of the public money. As the noble Earl had referred to the Government of which he formed a part, he might remind him, too, that there was a certain right hon. Gentleman the Chancellor of the Exchequer in the Government of his noble Friend (the Earl of Derby), and, nevertheless, the noble Earl the other night, apparently forgetting that fact, said that he could have no confidence in any Chancellor of the Exchequer who was of the Jewish persuasion. Whether the Jewish extraction of Mr. Disraeli weakened the confidence of the noble Earl in that right hon. Gentleman he did not know; but with regard to Sir Charles Trevelyan, he did not think that that distinguished civil servant ever asked whether an improvement emanated from a Whig or Tory Government, but examined the proposal wholly on its own merits; nor did he think that any of the civil servants of the Crown were open to such a charge. In respect to the sanitary portion of the question, he was of opinion it was impossible that they could have a lake of water in a stagnant stinking state without it being unsalubrious to the people residing in its neighbourhood. The right hon. Baronet (Sir B. Hall), while acting as President of the Board of Health, had paid great attention to this subject, and was firmly convinced, by consultation with certain medical officers, that great inconvenience had arisen from the insalubrity of the water in the park. He dared to say he saw the matter in a different light from that of the noble Earl, who could spend half the year in the country; but he confessed he felt a sympathy for the 2,500,000 of his fellow-citizens who were crowded together in this vast city. St. James's Park was one of the few open places for the population to enjoy a little recreation in, and he believed it to be the duty of the Government to take every measure possible to render those public places salubrious as well as agreeable to them. He deplored that local patriotism which confined its attention to one particular part of the metropolis. For example, they hardly knew in the west-end what they were doing at the east-end. When an arrangement had been made with the Crown as to the Crown revenues he thought that the Government were doubly bound to see those public parks kept up in a proper and salubrious state. He was quite sure that the public generally approved of the strenuous efforts which the right hon. Baronet the President of the Board of Works was making for the improvement of the metropolitan parks.

LORD MONTEAGLE said, he had never heard any complaints made of the unhealthiness of the water in the park even during the visitation of cholera. He thought that a constitutional offence had been committed in a misappropriation of the public money by diverting it from the purposes for which it was intended, and applying it to other purposes for which it was not voted. If money had been wanted for this purpose, it might have been obtained in a legitimate manner. No doubt Sir Benjamin Hall's conduct, his spirit, and his desire to discharge the functions of President of the Board of Health entitled him to the gratitude of the people of this country, and it was natural that he should bring into the Board of Works the feelings which had been excited in the office he had left. Sir Benjamin Hall came into office in July, and he did not blame him for not coming to Parliament in the short interval between July and August; but when he found that these improvements were required, he ought to have applied to the Treasury to make an advance from the fund placed at their disposal for civil contingencies. He might thus have obtained funds enough to complete these improvements instead of pursuing a course which was certainly not constitutional. Their Lordships were not free from the obligation to watch over the expenditure of the public money with as much jealousy as if they were representatives of the people. They would find that in 1856 the Board of Works were authorized to undertake the formation of the sewer. The natural course was in 1856 to have laid the whole question before Parliament. He believed that some inconvenience was occasioned by the sudden death of an officer of the department, but this would not account for adding several thousand pounds to the former outlay. The matter was brought before Parliament after the event, nor would the Vote of 1856 affect the misappropriation of money in 1855. Her Majesty's Government in the other House had admitted the irregularity of the whole proceeding, but the noble Earl had passed it over with graceful negligence, as if it were a matter of no importance.

EARL GRANVILLE had admitted that the subject was one which might very properly occupy the attention of their Lordships.

THE CONSOLIDATED CRIMINAL STATUTES.

SECOND READING.

THE LORD CHANCELLOR then moved the Second Reading of the series of Bills which, he said, had been framed with the view of carrying out the consolidation of the criminal statutes. Those Bills comprised the Offences of Larceny, &c.; Offences against the Person; Malicious Injuries to Property; Forgery; Libel; Coinage Offences; Deer, Game, and Rabbits; Accessories and Abettors Bills.

LORD CAMPBELL said, he did not rise to oppose the second reading of the Bill, but he must state that he was not prepared for this proceeding of his noble and learned Friend. When these Bills were read a first time, he understood that they would be laid on the table this Session and considered, but that they could not be proceeded with till next Session. That seemed to him the most expedient course, for there might not only be consolidation but alteration of the Acts, and though no doubt they had been most skillfully prepared, still if there had been any alterations, they ought to be well considered. He had always been most hopeful with respect to the feasibility of effecting a consolidation of the statute law, but while that was the case, he thought such consolidation ought to be effected as a whole and not piecemeal; and, taking that view of the matter, he thought his noble and learned Friend would act wisely in deferring all legislation upon the subject until a future Session.

LORD WENSLEYDALE said, he differed from his noble and learned Friend the Lord Chief Justice, with reference to the expediency of postponing legislation upon the subject under discussion. He was of opinion that the Bills ought to be proceeded with during the present Session, inasmuch as the utmost pains had been taken by the Commissioners to reduce them to a satisfactory shape, and inasmuch as no advantage was likely to result from further delay.

THE MARQUESS OF WESTMEATH called attention to the 57th Clause of the Act for the punishment of offences against the person, for the purpose of urging upon their Lordships the expediency of amending the law regarding the punishment of rape. By the Act as it stood, the punishment was the same whether the offence had been committed by one or by more persons. He recollected when the Marquess of Normanby was Home Secretary, the Amendment of the law was under consideration, and he (the Marquess of Westmeath) had proposed, that inasmuch as the abominable offence of rape was greatly aggravated when committed by more persons than one, and that frequently the unfortunate woman died from the violence committed under the former circumstances, that the punishment should be death when the offence was proved against two or more individuals. At present the sentence was transportation, whether the offence was committed by one or by several persons. He divided the House twice on the subject, but the proposition was rejected, though only by small majorities.

EARL GRANVILLE said, that as those Bills were simply to consolidate the existing law, the noble Marquess was out of order in raising this particular question.

THE EARL OF DERBY said, he hoped that no alterations had been made in the Acts relating to the several subjects, inasmuch as by the form in which those Bills were now moved, it would be most inconvenient to discuss the merits of any alterations. He thought it was highly expedient that those consolidations should take place under separate headings. Their Lordships had better, then, accept those measures as consolidations, upon the assurance of the Government that no alterations had been made in the several Acts.

The Bills were then severally read 2^a.

SALE OF OBSCENE BOOKS, &c., PREVENTION BILL.

THIRD READING.

Order of the Day for the Third Reading read.

Lord CAMPBELL, in rising to move the third reading of this Bill, said, he felt it to be his duty to call the attention of their Lordships to a letter conveying information of a nature the most appalling in reference to the subject to which the Bill related. The letter to which he referred had been written by Mr. Pritchard, secretary to the Society for the Suppression of Vice, a gentleman of great intelligence and of high honour, who had been for many years most zealously engaged in the endeavour to suppress those publications against which he (Lord Campbell) asked their Lordships to legislate. Mr. Pritchard had written to him as follows:—

> "My Lord,—I have gone through the records of the prosecutions instituted by the society, for the sale or exposure of obscene publications, during the last fifty-five years. The total number during that period is 159, or within a very small fraction of three every year. Out of these 159 cases there have been but five acquittals, and the terms of imprisonment, varying from fourteen days to two years, average eight months each within six days and a-half. But in this calculation of the duration of the terms of imprisonment, no allowance is made for the circumstance that, in many of the earlier instances, to imprisonment was added the pillory, and, after the latter mode of punishment was given up, a fine. But it must always be borne in mind that the number of cases in which the society has prosecuted by no means represents the cases that have occurred. I may safely say that it has not been in one case in six brought under the society's notice in which they have been able to prosecute, chiefly from the heavy expenses attending a prosecution. I believe that one case in ten would be nearer to the truth, but I am anxious not to fall into any exaggeration. About the year 1834, there were no less than fifty-seven of these shops existing in London at one time, and no exertions that the society has been able to make have reduced these below from eighteen to twenty, which represents the number of shops that may be considered as permanently opened for this abominable traffic. It is also known that a system exists of sending out men from London, who periodically visit the different country towns, and attend the different fairs, races, and markets to circulate these abominations as their regular trade. One man died, not long since, while under imprisonment on a conviction obtained by the society, who regularly visited the two Universities twice a year with a stock of highly-finished French prints far exceeding, if it be possible, the books that have generally been brought before the criminal courts. To show the immense stock of these things which the dealers have been able to collect, in the year 1845, from one dealer, who was permitted by the Central Criminal Court to retract his plea of 'Not Guilty,' and plead 'Guilty,' were taken no less than 12,346 prints, 393 books, 351 copper plates, 88 lithographic stones, and 33½ cwt. of letterpress. And from another, in the same year, 15,300 prints, 162 books, 1 cwt. of letterpress, 96 copper plates, 21 lithographic stones, and 114 lb. of stereotype. And within two years afterwards both of these men had again accumulated large stocks. Part of the stocks above enumerated were given up, and part the society was enabled to take under circumstances that cannot be expected to occur again. I may further mention that there are two men upon the society's list, one of whom has been prosecuted not fewer than nine times, and the other seven times. The truth is, that the trade is so lucrative that the dealers can well afford the risk of an occasional imprisonment. While their stocks are safe, their families can carry on their trade till their term of imprisonment expires, when they return to their old practices with increased experience of the modes by which the operation of the law may be eluded. And the only chance of success is to make this traffic a losing speculation."

That was the present state of that abominable traffic, and he was afraid that there would be no means of checking it, unless a similar power was given to search for and seize those detestable publications as was given in the case of uncustomed goods, unlicensed printing places, and implements of gaming. All that he asked their Lordships to do was to grant a similar power, but with considerable modification to that which already existed in other cases. There was another subject to which he wished to refer before sitting down. He had been informed that on the second reading of the Bill he had been understood to make use of an expression of an insulting and offensive character to his noble and learned Friend opposite (Lord Lyndhurst). He could only say that, if such was the case, it was without any intention of doing so, and without being in the slightest degree aware that anything which he said could be construed as being offensive to his noble and learned Friend; if, however, he had inadvertently let fall anything which might possibly be so construed, he begged most fully and entirely to retract it, and to express regret that he had said anything which might bear such a construction. His noble and learned Friend on that occasion had done no more than his duty, and he had since then rendered material assistance in amending the

Bill, and for that he begged leave to return thanks to his noble and learned Friend. There was one other subject to which he wished to refer. He had on a previous day referred to a book which he stated had been purchased at a railway station, and which contained a catalogue of a great number of most improper works for sale. Now, the Messrs. Smith, who had a contract for supplying books at all the principal railway stations of England, and who were persons of the very highest respectability, were naturally much hurt at the supposition that they should in any way be concerned in circulating that which was improper at any railway station, and he had received a letter informing him that the Messrs. Smith were at all times most sincerely anxious that no improper publication should be sold at any station at which they had any control. He could only add that to that statement he attached most perfect credence, from the high opinion which he entertained of the respectability of the Messrs. Smith.

Moved, That the Bill be now read 3ª.

THE EARL OF SHAFTESBURY said, that he ventured, the moment his noble and learned Friend produced that book, to say that it had never been sold by the authority of the Messrs. Smith. He knew those gentlemen very well, and he did not suppose that there were more unlikely persons in the world to assist in the circulation of such a publication. They had devoted much time to the examination of the subject, and undoubtedly they had been the means of diffusing throughout the country an immense body of the purest literature. Indeed, their collection was as pure as that contained in the most select library in the country. He was anxious to vindicate the reputation of the Messrs. Smith, whom he must characterise as truly Christian gentlemen, utterly incapable of doing an unworthy act.

LORD LYNDHURST: As I have not been able to attend upon the various stages through which this Bill has passed, I wish to take this opportunity, now that it has arrived at its last stage, of offering a few observations with regard to it. Before doing so, however, I beg to acknowledge the full and proper manner in which my noble and learned Friend, the Lord Chief Justice, has atoned for what I considered to be most offensive words which he uttered with regard to myself on the second reading of this Bill. I did not hear those words myself, because I have the misfortune to labour under physical infirmity, but they were repeated to me by different friends, upon whose accuracy I most completely rely, and certainly they were of a most offensive nature. I apprehend, however, that my noble and learned Friend is not always aware of the effect of the expressions which he uses. My noble and learned Friend has been so accustomed to relate degrading anecdotes of his predecessors in office, that I am afraid his feelings upon those subjects have become somewhat blunted; and I am the more confirmed in that opinion from a circumstance which occurred not long ago. My noble and learned Friend, in a publication which he recently gave to the world, inserted two or three paragraphs of a nature by no means complimentary to myself, and having done so, he selects the particular volume containing those paragraphs from the whole set and sends it to me as a present, with the author's compliments. I conclude, therefore, that my noble and learned Friend does not, upon all occasions, understand the force of the expressions which he uses. Why, immediately after the division had taken place the other evening, my noble and learned Friend, after having uttered expressions with regard to myself more degrading to the utterer than to the person against whom they were directed, came over to me with a smiling face, and asked me to amend his Bill. I consented to do so, and suggested those Amendments which have since been introduced. I will now, however, say a few words upon the Bill itself, because certain misrepresentations have been made as to what I stated on the second reading. My principle objection to the Bill was, that it was so wide, so extensive, so loose, and so vague, that it would give rise to every kind of abuse; and I illustrated the vexation to which it might lead by several instances—I might have taken many stronger cases—which I submitted to the consideration of your Lordships; and I ended by saying, that no publisher, no print-seller, would be safe from vexation under this Bill as it then stood. I will give you a sample of its provisions. A man makes an affidavit that some one—he does not say who—has reason to suspect that there are improper publications at such a house. Upon that vague surmise a warrant is issued, the effect of which will be, that at any hour of the day, or any hour of the night, an officer may go into the house, search every room, every bedroom, even the beds in which women are lying, because they may conceal improper publications, break open, or order to be opened, every drawer and every closet in the house, and after all it may turn out that there is nothing to be found; but the householder will have no remedy for all this vexation. I am not saying that that is the Bill as it stands at present, but that was the Bill which the Lord Chief Justice of the Queen's Bench presented to your Lordships for your approbation; and then I was rebuked for opposing it. In the name of common sense could I do otherwise than oppose a Bill drawn in such a monstrous shape? But that is not all. That was the first clause of the Bill. According to the second no affidavit was required. The report of a mere superintendent of police that he believed there were improper publications in a house would give rise to all the vexation to which I have referred. Under these circumstances, I think I shall stand justified for having opposed the second reading of the Bill. My noble and learned Friend has repeatedly said, "Oh! these are not the objects I have in view," and in a kind of deprecatory tone, "I do not mean anything of the kind." Why, it is not what the Chief Justice means—but what is the construction of the Act of Parliament? The construction of the Act of Parliament is such as I have stated, and nobody can deny that it will lead, or may lead, to the vexation which I have described. Now, as to this question of vexation. It is said that no bookseller or printseller of respectability will ever have his premises opened and searched under a Bill of this description. Is that so? Some time ago there occurred a case of this description. A man named Hetherington published some low and blasphemous publications at a penny a-piece; he was tried, and was sentenced to four months' imprisonment. When in prison, he employed one of his dependents to go about to the shops of different booksellers and see whether he could find anything that could be made the subject of a prosecution. This man went to the shops of a bookseller named Moxon, a publisher of great respectability; a bookseller named Otley; and a third whose name I do not remember. A short time before, the widow of Bysshe Shelley had published a new edition of his works, including all the pieces which he had written, some of them at the age of 18. Hetherington picked out some passages from these works and indicted Moxon, Otley, and the other person, for publishing and selling them. The indictment was removed by *certiorari* into the Court of Queen's Bench and tried before a special jury. Lord Denman, who presided, after very severely censuring the course which had been pursued, said that he must put this question to the jury, "Are these particular passages blasphemous libels or not?" The jury found that they were. Lord Denman imposed only a nominal penalty, but the prosecution was of the severest kind, because every one must know that an indictment preferred at the quarter sessions, removed by *certiorari* into the Queen's Bench and tried by a special jury, must operate as a very heavy punishment. I mention this case in order to show the necessity for so framing this Bill as to guard against vexatious proceedings. The Amendments which I suggested and which I drew were framed with that object and for that purpose. As the Bill originally stood, any person making an affidavit that there was reason to suspect, &c., laid the foundation for a warrant. I have now provided that the person shall swear that he has reason to believe, and that he does believe, that there are such publications in such a place, and shall further state to the magistrate the reasons which lead to that belief. Nor does it stop there. The most material Amendment is, that he must state what the publications are, and that they are of such a nature that, if published, the party publishing them will be guilty of a misdemeanour. The magistrate must also be satisfied that the case is a proper one for a prosecution, so that if indecent passages were taken out of such authors as Dryden or Pope, he would say, "Although these are very indecent passages, and ought never to have been inserted in these works, yet this is not a case for a prosecution." I hope, my lords, that I have justified the course which I pursued. I thought the Bill badly constructed, and I opposed it on that account. I saw that it would lead to vexatious proceedings, and I stated why it would do so. When my noble and learned Friend asked me to amend the Bill, I amended it in that sense, not for the purpose of defeating the measure, but to guard against the evil of which I complained, with which the Bill in its original form was pregnant, and the existence of which everybody admitted. I am sorry to have detained your lordships with this explanation, but so many misapprehensions and misapplications of what fell from me have gone abroad, that I have felt as though I were upon my trial, and that I was imperatively called upon to justify myself. I hope the statement which I have made is perfectly satisfactory to your Lordships.

LORD WENSLEYDALE admitted that the Bill had been much improved by the Amendments which had been introduced into it, but he could not recognize the necessity for introducing a system of domiciliary visits, which had always been considered contrary to the principle and spirit of the law of England. It was necessary, he thought, if such provisions were made, that the magistrates should be enabled to judge of the necessity of the proceeding, and that not only the belief but the ground of the belief should be laid before them. He believed that the object of his noble and learned Friend might be fully attained by the augmentation of the punishment for publishing these libels. Having been for twenty-eight years concerned in the administration of justice, and never to his recollection having had a case of this kind before him either in London or on circuit, he had thought that the mischief was not of great extent. His noble and learned Friend had read a statement of what had been done during the last fifty-five years, and he could not help thinking that in the last case mentioned in it the prosecution had been attended with great success. He was therefore disposed to think that an augmentation of the punishment would be sufficient to put a stop to the business of selling these infamous publications. [Lord CAMPBELL said he had sentenced persons to two years' imprisonment.] He did not mean to blame his noble and learned Friend for the sentence which he had passed upon offenders, but he did not think that the common law had been allowed a fair chance of success. He should therefore be glad to assist his noble and learned Friend to make the law more severe. We could not return to the pillory, but why should not the sellers of these publications be imprisoned and flogged? He was most anxious to put a stop to this infamous traffic, but thought that that might be accomplished without the introduction of domiciliary visits, for which there was no precedent in the common law.

THE LORD CHANCELLOR said, that he had been very much impressed with the difficulties which would be found to stand in the way of carrying this Bill into execution when it was first introduced, and though he could not say that those difficulties were entirely removed by the Amendments which his noble and learned Friend (Lord Lyndhurst) who had just left the House had introduced into it, still, after the information which the noble and learned lord who had charge of the Bill had read to the House of the great number of persons who had been prosecuted for this offence without any satisfactory result, they were bound to listen with great deference to any suggestion of his noble and learned Friend for an improvement of the law in this respect. As the Bill now stood, these search-warrants would only be granted after great precautions, and, considering that the offence was on the increase rather than on the decrease, it would be unwise not to pass this Bill.

THE ARCHBISHOP OF CANTERBURY was understood to say that throughout he had felt the greatest anxiety for the fate of the Bill. He must confess that up to that evening he had fancied that a little misplaced sympathy on the part of some of their lordships had been evinced towards the publication of these obscene prints. His fears, however, on that point had now vanished. In conclusion, the right rev. Prelate tendered to Lord Campbell his thanks, and those of his right rev. Brethren, for his exertions in this cause.

LORD CAMPBELL said, he was highly gratified to find that the Bill was likely to pass through their Lordships' House, notwithstanding the opposition which was made to the second reading. He regretted exceedingly that, after what he conceived to be his ample apology to his noble and learned Friend, he should have thought it necessary to express himself in such harsh terms. His noble and learned Friend must have been misinformed as to what he had said upon a former occasion, for he was sure that he had made use of no expressions calculated to raise such feelings in his noble and learned Friend's most liberal and just mind. All that he had said upon that occasion was to assure his noble and learned Friend that, as he had talked with so much delight of certain works of Correggio and of the prints from them, there was nothing in this Bill which would disturb his enjoyment of them, and that he had not the slightest idea of saying anything which could be in the least degree offensive. With regard to his noble and learned

Friend's observations upon him as a biographer, he appealed to the public on that question, and that was not the place to raise a discussion upon it. He hoped his noble and learned Friend would find a chronicler who would justify every action of his life, and would prove him to have ever been a consistent politician. He trusted that the Bill would soon pass into law, and that the time would soon come when Holywell Street would become the abode of honest, industrious handicraftsmen, and a thoroughfare through which any modest woman might pass.

Motion *agreed to;* Bill read 3ª accordingly and *passed,* and sent to the Commons.

PRIVILEGE OF REPORTS.

REPORT OF SELECT COMMITTEE PRESENTED.

Lord CAMPBELL laid on the table the Report of the Select Committee which had been appointed to consider how far the privilege now given to reports of proceedings in the Courts of Law in newspapers might be extended to reports of the proceedings in the two Houses of Parliament, and in other public assemblies. The prayer of all the petitions laid before the Committee was substantially the same—namely, that there should be entire immunity to newspapers for printing and publishing anything whatever spoken at a public meeting. They heard the petitioners and their witnesses in support of that prayer; but the Committee came to the unanimous resolution that it was a prayer that could not be safely granted in the latitude in which it was sought, because a mob might be called a public meeting, and if a newspaper could lawfully publish whatever was said by any one member of that mob it would lead to the most mischievous consequences, for sedition might be spoken, and the most acrimonious attacks made upon private character. It was proposed by the petitioners also that the remedy should be against the speaker, and not in any instance against the journal; but that would in many instances leave the party calumniated without a remedy, because a man of straw might be put forward to say things to gratify the malice of some one who remained behind; and, as the law now stood, a speaker would in many cases be protected by taking refuge under the plea that he had made a privileged communication. No action would lie against a speaker for merely saying that a man was a liar or a scoundrel, or that a woman was unchaste; but when put into writing or published such language became actionable. Supposing a newspaper were to contain an account of a speech attacking private character, in which a man was called a liar, a coward, or a scoundrel, and it was circulated all over the world, to say that no action could be brought against the publisher of the journal would be to leave the person whose character was assailed without a remedy; for, as he had already said, no action lay against spoken words that merely amounted to general abuse. Parliament might, of course, make a speaker liable for a printed report of everything that was spoken by him, and thus take away all distinction between written and spoken slander; but it would be a most important change in the law of England, and, as he believed, was wholly unnecessary. The committee thought that such a concession was unnecessary, and could not be safely granted to those who petitioned for it; but they at the same time believed that, with perfect safety to the public, there might be a protection granted against vexatious suits that did not now exist. A majority of the Committee were of opinion that a faithful report of the proceedings of either House of Parliament, when strangers were permitted to be present, should have the same privilege as a report of the proceedings of a court of justice. The majority thought that all the reasons which existed for giving that privilege to a faithful report of the proceedings of courts of justice extended to the two Houses of Parliament. It was equally important to the public that the proceedings in Parliament should be published, and that those who published them should not run the peril of an action or indictment. As to the Standing Orders forbidding the publication of the proceedings of either House of Parliament, it was hoped that these antiquated rules—which were, in fact, mere waste paper—would be speedily repealed as they were merely an impediment to that which was for the public interest. But the most important practical alteration proposed in the law for the protection of the public press was this:—At present, if a journal containing a faithful report of a meeting, called for a lawful purpose, contained anything against an individual, though he had sustained no damage whatever, he might bring an action, and if the case was proved, the Judge was bound to tell the jury to find a verdict for the plaintiff, and they were compelled to do so, giving, perhaps, a farthing damages. By a late Act of Parliament, which certainly had checked this class of actions, the plaintiff could get no more costs than damages, so that a farthing damages only carried farthing costs; but then the defendant was burdened with his own costs. In the case of "Davidson v. Duncan," which had caused so much apprehension, though the jury, with the approbation of the Judge, found that the report was a faithful report of the proceedings of a public meeting, that there was no malice whatever, and that the plaintiff had suffered no damage,. they were obliged to give a verdict for the plaintiff, which they did with a farthing damages; but the defendant was obliged to pay the costs of his own defence, which were said to be above £400. Now it was proposed that if an action wes brought against a public journal for that which professed to be a report of a public meeting the defendant might plead that it was a faithful report, and that the plaintiff had sustained no actual damage; and if the jury should be of that opinion, then they could find a verdict for the defendant, and the plaintiff, instead of recovering damages or costs, would be obliged to pay all the costs of the vexatious action which he had brought. But the difficulty arose as to what should be considered a public meeting; and on this point the Committee were of opinion that public meetings should be those lawfully called by the sheriff of a county, or the mayor of a borough, for the purpose of petitioning the Queen or either House of Parliament, meetings of a town council, or board of health, or of any body acting under the authority of an Act of Parliament met to impose a rate, or to consider the local affairs of any district. These were public meetings, of which it was very important the localities in which they took place should be informed, and faithful reports of the proceedings of which should be protected; therefore the Committee came to the resolution that where a faithful report of the proceedings of such a public meeting was given, and a plaintiff brought an action, having sustained no damage, the jury should find a verdict for the defendant, and the plaintiff be compelled to pay all costs. It would be in vain to think of legislating on such a subject as this during the present Session. He could not personally make the attempt as he was about to go on circuit; but he gave notice that at the beginning of another Session he would frame a Bill upon the Resolutions agreed to by the Committee, and submit it to their Lordships. He hoped the Bill would receive the approbation of that and the other House of Parliament and of the Queen, so that the class of vexatious actions to which he referred might never occur again.

House adjourned at Nine o'clock, till to-Morrow, Half past Ten o'clock.

HOUSE OF COMMONS,

Monday, July 13, 1857.

MINUTE.] NEW WRIT.—For the City of Oxford, *v.* Charles Neate, esq., void Election.
PUBLIC BILL.—2° Justices and Police Force (Dublin); Revising Barristers (Dublin).

GALWAY TOWN ELECTION—REPORT.

House informed, that the Committee had determined,—

That Anthony O'Flaherty, esquire, is not duly elected a Burgess to serve in this present Parliament for the Town and County of the Town of Galway:

That the last Election for the said Town and County of the Town of Galway, so far as regards the Return of the said Anthony O'Flaherty, esquire, is a void Election.

And the said Determinations were ordered to be entered in the Journals of this House.

LAMBETH ELECTION—REPORT.

MR. INGHAM *reported* from the Select Committee appointed to try and determine the matter of the Petition of Patteson Nickalls and Robert Henry Bristowe, complaining of an undue Election and Return for the Borough of Lambeth; That Joseph Tredre had been duly summoned by the Warrant of the Speaker of the House of Commons to appear before the said Committee, and that the said Joseph Tredre had disobeyed the said Warrant; that such a disobedience having been satisfactorily proved to the Committee on Saturday the 11th day of this July instant, and the House not being then sitting, by the direction of the Committee he had, by a Warrant under his hand, required the Serjeant at Arms to take the said Joseph Tredre into custody; and the Serjeant had informed the Committee that he had not succeeded in apprehending the said John Tredre.

Resolved, That John Tredre, having been duly summoned by the Speaker's Warrant to attend the said Committee, and having disobeyed such Warrant, and not having appeared before the said Committee, has been guilty of contempt and of a Breach of the Privileges of this House.

Ordered, That John Tredre having been guilty of contempt, and of a Breach of the Privileges of this House, be for his said offence taken into the custody of the Serjeant at Arms attending this House; and that Mr. Speaker do issue his Warrant accordingly.

PROPERTY TAX UPON OFFICERS' QUARTERS.—QUESTION.

SIR DE LACY EVANS said, he would beg to ask the Under Secretary for War whether the Secretary of State for War has issued an Order, dated the 30th of May, 1857, directing Field Officers of Artillery, occupying field officers' quarters, to pay property-tax for those quarters?

SIR JOHN RAMSDEN said, that an Order to the effect stated by the hon. and gallant Member had been issued, but that it did not rest with the War Department to decide anything upon the subject, inasmuch as it was prescribed by Schedule A of the Property-tax Act that all houses belonging to Her Majesty, excepting the Royal Palaces, should be assessed to the property-tax, which was to be paid by the occupier.

THE INDIAN MUTINY.—QUESTION.

MR. DISRAELI: There are such serious and, in some respects, such contradictory statements respecting the information contained in the last arrivals from India, that I think it would be greatly for the convenience of the House if Her Majesty's Government would make some authentic statement of the intelligence which they have received on this subject. Besides inviting the noble Lord at the head of the Government to make that statement I would also ask him whether it is his intention to lay any papers connected with the recent transactions in India upon the table of the House?

VISCOUNT PALMERSTON: I cannot disguise that the accounts which have gone forth to the public of the intelligence recently received from India are in some degree contradictory, and, therefore, I am not surprised that they should have led to the question which the right hon. Gentleman has addressed to me, but I am only able to state in reply that all the information which Her Majesty's Government have received is that which has been communicated to them by telegraph messages, first from Cagliari and then from Marseilles, the messages conveying, although in somewhat different words, very nearly the same information. That information is as much known to the public as it is to Her Majesty's Government, and until the mails, which I believe may be expected to-night or to-morrow, arrive from Marseilles, we shall have nothing additional to communicate. The general outline of the intelligence which we have received is, in the first place, that we have had the misfortune to lose the Commander in Chief; in the next place, that the disaffection which existed only in a few regiments, according to the former accounts, appears to have spread to a greater extent among the Bengal army; and that a large number of the Bengal troops have, as stated in the despatch, "disappeared." From that I presume that they have returned to their homes, but that is the expression used, and no further information is given. On the other hand, the native troops which remained faithful to their allegiance, together with some British forces, have had an encounter with the mutineers under the walls of Delhi. That encounter is stated to have resulted in the complete success of Her Majesty's toops—twenty-six pieces of cannon were taken, and the mutineers were compelled to seek refuge within the walls of the town. The walls of Delhi, as the House is no doubt aware, are not regular fortifications, but are merely upright walls, not possessing any of the defences which are usual in the case of fortifications. Further, it was expected when the intelligence left, that the town would be immediately assaulted; but, of course, the Government can know nothing of the result of that assault. When the despatches arrive we shall certainly be ready to lay before Parliament such portions of the communications as may be calculated to give to the House and to the public the fullest obtainable information as to the course of recent events. It may easily be conceived that in these despatches, when they arrive, there may be many circumstances, reasonings, and explanations which, from their very nature, it would not be desirable for the advantage of the public service to communicate; but whatever may be essential in order to afford full information as to what has occurred shall be presented; because, although not usual in matters of this sort, Her Majesty's Government think that this is a case in which the ordinary custom should be departed from, and that exact information should be afforded both to Parliament and to the country with respect to the actual position of affairs in India.

MR. DISRAELI: My question with respect to the production of papers referred rather to despatches already received by the Government before the absolute occurrence of these events, and which, perhaps, intimated their probable occurrence, than to the despatches referred to by the noble Lord. I do not wish to limit my inquiry merely to the production of papers giving only a narrative of the events which have occurred during the last few weeks. I wish now, however, to ask a direct question of the noble Lord, involving a matter of much importance in connection with the Persian war and the occupation of the city of Herat. Has the noble Lord received any information recently from that city to the effect that the person nominated as the Governor of Herat has sworn allegiance to the Shah of Persia; that the Shah has accepted that allegiance, and empowered him to coin money, such transactions being at variance with the treaty lately laid before Parliament?

VISCOUNT PALMERSTON: In regard to the first question of the right hon. Gentleman, Her Majesty's Government will endeavour to select from the correspondence connected with the events in India that which appears well calculated to give the fullest information to Parliament without compromising the public service. If further information should be desired, it would be for those who think further information necessary to state their reasons for that belief. With respect to the right hon. Gentleman's second question, the Government has received no information with reference to Herat tending to confirm the report to which the right hon. Gentleman has alluded. He is aware that by the treaty the Persians were to evacuate Herat within a certain time, and we were to send an agent to that city to see that the evacuation was complete. That agent, according to the last accounts, had not yet arrived there; but when he does arrive he will of course make his report on the state of things at Herat.

SIR JOHN PAKINGTON: I wish to put another question to the noble Lord respecting the events in India. I have seen in a public newspaper that in the encounter before Delhi the mutineers mustered a force of 7,000 men, and that the British force amounted to only 1,800 men, consisting partly of Sepoys, and the statement went on to the effect that with this force of 1,800 men the attack on Delhi was to be carried into effect. I wish to know whether there is anything in the telegraphic despatch received by the Government to justify that statement?

VISCOUNT PALMERSTON: The telegraphic message has given the Government no details of that encounter. The despatch simply states that an encounter had taken place under the walls of Delhi, and that twenty-six guns had been taken, and that Her Majesty's troops had taken possession of the heights round the city. Perhaps, though no question on the point has been put to me, the House will give me permission to state the general outline of what the Government have thought it right to do. Immediately on the receipt of the information I have just described steps were taken by my right hon. Friend at the head of the Indian department in conjunction with my noble Friend at the head of the War Department, and his Royal Highness the Commander in Chief here, to select an officer to go out to India to take the place of General Anson. The offer was made to Sir Colin Campbell, who accepted it. Upon being asked when he would be able to start, the gallant officer, with his ordinary promptitude, replied "To-morrow;" and accordingly, the offer having been made on Saturday, he was off by the train yesterday evening. A telegraphic despatch was sent to Marseilles to stop the steamer which is to take the mail, which left London on Saturday night, until the arrival of Sir Colin Campbell, who, therefore, would not lose a single hour in reaching his destination. The House is aware that 14,000 men were under orders to go out to India before the arrival of the recent intelligence. Additional troops will now be sent out, and the House may rest assured that the Government will take all the steps necessary to meet the emergency. I should add that Lord Canning, the Governor General of India, has, in the meantime, on his own responsibility, done that which has been entirely approved of by the Government. He wrote to Lord Elgin, whom he thought his despatches would find at Ceylon, to request that he might divert for the Indian service a part of the force now on its way to China. I have no doubt that those despatches have reached Lord Elgin, and that the request will be complied with, and the Government have made such arrangements with respect to China that, even if those troops should be for a time diverted from their original destination, still there would be found on the China station ample means to carry on the operations there.

VISCOUNT GODERICH said, he wished to inquire whether the Government were aware that it had been reported that Sir Patrick Grant had been appointed to the command of the forces by the Indian Government.

VISCOUNT PALMERSTON: We really know nothing but what I have already stated. All our information comes by telegraph, and it often happens that private persons know, or pretend to know, more than the Government.

SIR EDWARD COLEBROOKE said, he would beg to inquire whether any additional reinforcements were going out to India from this country, or whether the reinforcements were to be confined to those originally destined for China, and which Lord Canning would intercept at Ceylon.

VISCOUNT PALMERSTON: The reinforcements certainly are not confined to the troops on their way to China. Fourteen thousand men were under orders for India, and would have embarked independent of the news just arrived; but the Government think it their duty to despatch as early as possible a considerable force in addition. Of course means must be taken by recruiting to supply the gap which will be thereby made in the forces at home.

SIR EDWARD COLEBROOKE said, that after the announcement just made by the noble Lord, perhaps it would be convenient for the House to know that he should not now bring forward the Motion of which he had given notice, to call the attention of the House to the inadequacy of the reinforcements proposed to be sent to India.

SAVINGS BANK BILL—QUESTION.

MR. J. TOLLEMACHE said, he wished to ask whether the Government intended to proceed with the Savings Bank Bill this Session?

THE CHANCELLOR OF THE EXCHEQUER said, he saw no prospect of proceeding with the Bill in the course of the night or even the week. He would state as soon as possible whether he saw any prospect of proceeding with the Measure during the present Session.

VACCINATION—QUESTION.

SIR JOHN PAKINGTON said, he wished to know whether it was the intention of the Government to bring in any Bill to amend the law with respect to Vaccination this Session?

MR. COWPER said, the President of the Board of Health had prepared a Bill on the subject, but delayed presenting it until the Bill now before the House respecting the transfer of the powers of that Board should pass. It would then be brought in if the period of the Session would allow of that course.

SIR JOHN PAKINGTON said, that an important paper on the subject had lately been printed, and was lying in the Vote Office. Had the Government any objection to distribute that paper to Members.

MR. COWPER said, he believed that the paper in question was one of great interest and of remarkable research; but according to the rules of the House it was not circulated to Members, but was only given to those who applied for it at the Vote Office.

THE PERSIAN AND CHINESE ESTIMATES.

NOTICE.

THE CHANCELLOR OF THE EXCHEQUER gave notice that on Thursday next in Committee of Supply he would move the Estimates for the expenses of the war with Persia and of the hostilities with China.

SIR JAMES GRAHAM said, he wished to ask the right hon. Gentleman the Chancellor of the Exchequer whether, before moving in Committee of Supply for a Vote of £500,000 for the Persian Expedition, he would lay on the Table of the House the Estimate of the East India Company, presented to the Government last February, and containing their rough calculation of the entire cost of the Persian war to December next; and also the Correspondence which had taken place between the East India Company and Her Majesty's Government on the subject?

THE CHANCELLOR OF THE EXCHEQUER said, that the correspondence relative to the Estimate had already been laid on the Table. That Estimate was made when the war was still unfinished, and when the total amount of the expense was uncertain. He should be in a condition on Thursday to lay on the table the Estimate of the East India Company with respect to the total expense of the war. He thought that would be more satisfactory than to communicate one that had been formed on imperfect knowledge.

SIR JAMES GRAHAM said, he wished to know whether the right hon. Baronet would lay the Estimate referred to on the table before the discussion?

THE CHANCELLOR OF THE EXCHEQUER said, he should object to lay on the table the first Estimate of the East India Company as to what the expense would probably be. He would lay on the table the Estimate which he meant to move.

SIR JAMES GRAHAM: When will that Estimate be laid on the Table?

THE CHANCELLOR OF THE EXCHEQUER.: To-morrow.

INDIAN OFFICERS—QUESTION.

MR. NOEL said, he would beg leave to repeat the question he had put on a previous occasion, whether those officers who were on leave, but were, before the expiration of their furlough, ordered out to India would be obliged to go out at their own expense or at the expense of the Government?

SIR JOHN RAMSDEN said, the question of making an allowance in aid of their expenses to officers in the service of the East India Company who were on leave of absence in this country, and had been ordered to rejoin their regiments, was at present the subject of communication between the Board of Control and the War Department, but that, as soon as a decision was arrived at, no time should be lost in announcing it to Parliament.

THE ORDNANCE SURVEY—QUESTION.

SIR DENHAM NORREYS said, he wished to ask the Secretary to the Treasury to explain the meaning of his letter to the Secretary at War, dated 2nd July, 1857, relative to the completion of the works of the Ordnance Survey now in progress on the 25-inch scale.

MR. WILSON said, he had received from Colonel James the following explanation of the interpretation put by him upon the Vote of the House with reference to the completion of the works of the Ordnance survey.

> "I should complete the plans of the cultivated districts of those counties which are in progress on the 25-inch scale, and draw the plans of those counties which are not in progress on the 6-inch scale only. That is, I should complete on the the 25-inch scale the plans of the cultivated districts of Northumberland, Westmoreland, Roxburghshire, and Lanarkshire, and the other counties now actually in progress on that scale, as we have completed the plans of Durham and Linlithgowshire; but should construct on the 6-inch scale only the plans of Cumberland, and the other counties, in which the field survey has not been commenced, on the 25-inch scale."

He (Mr. Wilson) could only add, that the Government were most anxious to carry into effect the wishes of the House on this subject.

SIR DENHAM NORREYS said, he would beg to ask what was the meaning of the phrase "in progress," in Colonel James's communication? Would works which had only just been commenced be considered as "in progress"?

MR. WILSON said, he understood from Colonel James's note, that the expression applied to all those counties in which the survey had already been commenced upon the 25-inch scale.

THE INDIAN MUTINY.

QUESTION.

ADMIRAL WALCOTT: The Noble Lord at the Head of the Government having distinctly acquainted the House with the number of troops he proposes, under the existing state of India to despatch there from this country, I wish to know from the First Lord of the Admiralty, looking to the large reserve of our steam navy, whether it is the intention of the Board of Admiralty to make use of any of the screw line-of-battle ships available for the conveyance of those troops to the East Indies.

SIR CHARLES WOOD replied that the Admiralty had reason to believe that the troops could be conveyed to their destination more conveniently and rapidly by the employment of hired transports.

NATIONAL ART COLLECTION.

QUESTION.

Mr. W. EWART said, he wished to ask the Vice President of the Board of Education whether, as it appears from the Returns laid before this House that in the case of some of our National Collections of objects of art, science, and historical interest, as well as in the case of civil and religious edifices and monuments (all maintained or assisted by the Money Votes of Parliament), the public have the benefit of instruction by means of descriptive labels affixed or appended to such objects, without incurring the cost of a catalogue, while in the case of other such collections, edifices, and monuments (similarly supported by public money) no such advantage is given to the public, whether measures will be taken for extending the system of labelling generally for the benefit of the public?

Mr. COWPER in reply said, that the Government had been most anxious to carry out the object to which the hon. Gentleman referred in the case of all museums and collections of objects of art, science, and natural products. At the British Museum, at the Kensington Museum, and at other similar institutions, all the articles exhibited were described in a short and condensed manner; and in the case of the Turner collection, not only were the subjects of the various paintings described, but the date at which they were painted was also given—an arrangement which he considered afforded great assistance to students.

THE ORDNANCE SURVEY.

MOTION.

Order for Committee (Supply) read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Lord ELCHO, in rising to propose the Motion of which he had given notice with reference to the Ordnance Survey, observed that circumstances of a private and very painful nature, connected with the intelligence just received from India, would have induced him to forbear from bringing this subject under the attention of the House, were it not that this was the only opportunity of which he should be able to avail himself for eliciting their opinion on a question which he regarded as of great importance. He had been told that in again calling attention to the subject of the ordnance survey he would only be wasting the time of the House, but he could not think he was open to such a charge when he asked hon. Gentlemen to consider whether something like £2,000,000 of the public money was expended profitably or unprofitably. He did not propose to reopen the question of the 25-inch scale, as he bowed to the decision at which the House of Commons had arrived on that subject. He believed, however, that that decision was in a great measure attributable to the general misconception which existed on the subject, and to the idea that this was exclusively a Scotch question, or, as it had been termed, "a Scotch job." With regard to its being "a Scotch job," he begged to say that whatever steps might have been taken in Scotland since the survey upon the 25-inch scale had been in progress, a similar course had been adopted in the northern counties of England. The fact was, that the survey had proceeded in the two countries *pari passu.* What was the position of the survey when the House arrived at its decision? In the northern portion of England, and throughout Scotland, the Ordnance had made surveys, and had published maps of the cultivated rural districts upon the scale of 25 inches to the mile; and they were also publishing a 6-inch map, and a 1-inch map of the whole country. The large towns, the population of which exceeded 4,000, were surveyed upon a 10 feet scale. When the scale for the survey of the rural districts was raised from 6 inches to 25 inches, the scale for the survey of towns was raised from 5 feet to 10 feet; and it might have been thought that when the country survey was reduced from 25 inches to 6 inches, the town survey would also have been reduced from 10 feet to 5 feet; but no change had hitherto been made. He was, however, quite willing that towns should enjoy the advantage of a really good practical survey, which would be afforded by a 10-inch scale. He found, from the letters of the Secretary at War, that the survey was in progress on the 25-inch scale in three counties in the north of England—Northumberland, Westmoreland, and Durham—and in nine counties in Scotland, including Renfrew, Ayr, Dumfries, and Peebles; and in those counties of Scotland would be found the large proportion of the cultivated districts of that country. The total estimate for the survey of Scotland, conducted in the way he had described, after making a deduction in respect of the work already done, amounted to £624,000; and as regarded Scotland the only saving effected by the change would be about three farthings an acre, or £50,000 in the aggregate. Again, in the counties which had been begun in the north of England the only saving would be £5,000. The total saving, therefore, would amount to £55,000. But there were considerations why that sum should be reduced by at least £25,000, so that the actual saving would be something like £30,000, or rather under that sum. He admitted, however, that the unsurveyed portions of the two countries must be taken into account, and that whatever the House had done with respect to the north of England and Scotland, they must be prepared to do in the south of England. What would be the saving effected on the survey of the whole of Great Britain? Why, somewhere about £230,000, which appeared to him a very trifling one. But they had further to consider whether, in effecting that saving, they were adopting a really useful scale. It often happened that the economical votes of the House proved the most extravagant in the end. His desire, however, was not that the House should at once decide the matter, but that it should come to the conclusion that further inquiry was needed. He might remind the House that the 6-inch scale originated in Ireland in 1824, on the Motion for a Committee to report on that question made by Mr. Spring Rice, now Lord Monteagle. That Committee, after referring to the various divisions and subdivisions of land in Ireland, such as townlands, ploughlands, colps, gneeves, cartrons, tates, bullibos, bullibellos, horsemen, beds, cows' feet, and cows' toes, came to the conclusion that the survey of that country should be conducted on such a scale as to admit of an accurate delineation on the map of the town boundaries, for the purpose of a general valuation for local purposes, and that that scale should be 6 inches to the English mile. They stated that "a survey by townlands appeared to be the rational medium between a baronial or parochial and field survey, and that the best scale for effecting the intended survey would be that of 6 inches to the English mile, adding that "a survey of 6 inches to the mile might be applied to various purposes of private utility." It was, therefore, for special purposes in Ireland that that scale was adopted—namely, for a property purpose, and for aiding the Irish in making local assessments. Now, they had to consider whether such a scale as that was or was not a proper scale for a property survey in England and Scotland. When he used the word "property" survey, he did not mean a survey of a gentleman's property for private purposes, but a survey for registration and other public purposes—one, in fact, which should fulfil all those national objects for which such a survey should be undertaken. That brought him to the Committee of 1851, appointed to consider the survey of Scotland. He had heard complaints made—chiefly by Irish Members — as to the constitution of that Committee, that the Scotch had shown very little delicacy in the matter, in that the majority of Members who served upon it were Scotchmen. Now, he found that the Irish Members had had three Committees appointed in connection with the question of an Ordnance Survey. The first was in 1824, which consisted of twenty-one Members. Lord Monteagle being Chairman, of whom one was a Scotchman, five were Englishmen—one of the latter being the Irish Secretary—and fifteen were Irish. In 1846 there was another Committee appointed to inquire into and report upon the then state of the Ordnance Survey in Ireland and on the works which would be required for its completion. That Committee, of whom Sir Denham Norreys was Chairman, consisted of fifteen Members, of whom one was a Scotchman, two were Englishmen—one being the Irish Secretary and the other the Clerk of the Ordnance — and twelve were Irishmen. Mr. Barry Baldwin was subsequently added to the Committee, a name which he (Lord Elcho) suspected was that of an Irish gentleman, though he sat for an English borough. Again, in 1853, a Committee was appointed to consider and report upon the details of the reduced map of Ireland then in course of publication; and that Committee consisted of thirteen Members, of whom, while there was not a single Scotchman, one was an Englishman and twelve were Irish, Sir Denham Norreys being again Chairman. He (Lord Elcho) therefore trusted, after that, that the House would hear no more from any hon. Member from across St. Georges's Channel as to the indelicacy of the Scotch in the constitution of any Committee of that House. He would revert to the Committee of 1851, which was appointed chiefly on account of the delay which had occurred in the survey of Scotland. What had that Committee done? They examined several persons both for and against the 6-inch scale, and the conclusions they came to were:—

> "That the 6-inch scale be abandoned. It is evident that if the 6-inch scale were abandoned a very large saving would be effected, and the time necessary for the completion of the map (1 inch) greatly shortened. Your Committee, therefore, recommend the abandonment of the 6-inch scale as being, generally speaking, inapplicable to Scotland."

What applied to Scotland applied equally to England, either in the north or in the south. The Committee added, that undoubtedly the plans would be of some value to proprietors in the valuation of their estates. The Scotch Members decided, notwithstanding, against the 6-inch scale, upon the ground that they did not think the advantages to the public would be proportionate to the cost to the country. All the objections which could be taken to the 25-inch scale, on account of size, applied equally to the 6-inch scale, because the moment they abandoned the 1-inch scale they adopted the principle of a plan, and not of a map. It appeared in evidence before the Committee that a map of Scotland on the 6-inch scale would be 216 feet long by 120 feet broad. The hon. Gentleman the Member for Mallow (Sir Denham Norreys) said he considered a large map a great evil, and that the thing was to get as small a map as possible. In the Committee of 1846, when the hon. Baronet was very anxious to get a 1-inch map, he denied as far as possible the utility of a 6-inch map. When Mr. Griffith was under examination Sir R. Ferguson asked, "Is it likely there would be any room large enough to hold the map of a very large county upon the 6-inch scale?" The answer was, "It would require a very large room indeed. In the county of Cork I do not suppose they have any room large enough to hold the map of the county." The hon. Baronet who was Chairman of the Committee was not satisfied, and he put this further question:—

> "Even if there were such a room, would it be of any practical utility from the impossibility of the eye catching the names and lines upon it?" The answer was, "No eye could take in two distant points in one view with sufficient clearness."

The objection, therefore, of the hon. Baronet to the 25-inch scale applied equally to the 6-inch scale. In either case it was not of much value, for no one ever thought of putting the maps together; they were, as every hon. Gentleman well knew, bound up in separate parts. Still it seemed to afford strong reason for inquiry, but his reasons for inquiry were not exhausted. He came next to the correspondence upon the scales which was published in 1854, and which resulted in the circular from the Treasury, to which he had on several occasions alluded. His right hon. Friend the Member for the University of Oxford being then Chancellor of the Exchequer, determined to endeavour to ascertain what would be the best scale, if there were to be a large map, for the survey of England and Scotland, and with that view sent out upwards of 300 circulars to public bodies, engineers, surveyors, valuers, land agents, and others whose opinions were entitled to consideration. The replies returned were in favour of the 6-inch scale 32, in favour of the larger scale 120. He begged to call attention to the names of some of the public bodies who condemned the 6-inch and were favourable to a larger scale. Those names included the Registrar General, Copyhold, Enclosure, and Tithe Commissioners, the President of the Geological Society, the President of the Geographical Society, the Cathedral Commission, Society for Promoting the Amendment of the Law, Metropolitan Commissioners of Sewers, the Ecclesiastical Commissioners, the Poor Law Board, Highland and Agricultural Society, the Chancellor of the Duchy of Lancaster (Lord Belper), the Commissioner of Woods (Mr. Gore), the Board of Supervision for Relief of the Poor (Scotland), the General Board of Health, the Statistical Society, the Statistical Conference (held at Brussels, 1853, Mr. Farr deputed by Government), Sir H. De La Beche, Messrs. Brunel, Stephenson, and Locke, Mr. Vignoles, Colonel Dawson (engineer to the Tithe, &c. Commission), Lord Ross, Lord Wrottesley, Lord Beaumont, Mr. Coulson, Mr. Bellenden Ker (Titles Registration Commissioners), and Mr. Warburton. The substance of those replies supported the view that, however applicable the 6-inch scale might be to the large properties, large counties, large estates, and large holdings, when they came to smaller divisions, such as the 40*s.* freeholders in England and the £10 franchise in Scotland, they must have recourse to a larger scale. Mr. Griffith, who was engaged in the valuation of Ireland, was obliged to enlarge the 6-inch maps when he came to the smaller parishes and parishes where the division of property was more minute. The same had been the result in the Encumbered Estates Court. Colonel Dawson, the engineer to the Tithe Commission, stated that—

> "For rating purposes in England and for valuation every separate parcel of land or tenement, however small, is required to be accurately drawn upon the plan, and to have marked within its limits a reference number to an accompanying terrier; those numbers consisting very commonly of three or four figures, and possibly of five or six. It is, moreover, indispensably requisite that the exact acreage, as for buying and selling, should be obtained by admeasurement within the limits of each parcel or tenement upon the plan; and no surveyor, valuer, land agent, or other person employed in the management and transfer of land in England would admit the sufficiency of a smaller scale than twenty inches to the mile for ascertaining the areas with the degree of minuteness required."

Mr. Griffith, in the correspondence of 1854, said:—

> "In making the tenement valuation, I find the 6-inch scale sufficient for determining the area of tenements not less than one acre, measuring from the paper; when the area is less than one acre, its contents is ascertained by measurement in the field."

For valuation purposes, for the transfer of property, for the registration of assurances, it was important that they should be able to measure the area on the paper without reference to the property, and that the map should be of a size to admit of five or six figures of reference being inserted and accurately read. The blue-book was full of evidence given by persons most conversant with the subject, and tending uniformly to show that in England and Scotland a survey should be made much larger than that of six inches to the mile. The Board of Supervision for the Relief of the Poor in Scotland, of which Sir J. M'Neil was the able head, expressed an opinion that it was most important for valuation purposes, and the purposes of the board, that there should be maps of from twenty to twenty-six inches to the mile. Since the subject had been under discussion, a Valuation Act for Scotland had passed, and he believed the Lord Advocate would confirm his statement, that for the purposes of that Act such maps would be extremely valuable. The head of the Poor Law Board gave evidence to the same effect. They were empowered to order maps to be made. They were unable to avail themselves of the 6-inch maps, and when they ordered any, they ordered them on the larger scale. It was the same with the Tithe, Enclosure, and Copyhold Commissioners. From the Commissioners of Woods they had instances of the disadvantages of not possessing a plan sufficiently large. There was a Crown estate at the mouth of the Humber. They could make no use of a 6-inch plan, which was in existence in Yorkshire, and had to survey upon the larger scale. The same was the case with regard to the drainage of Windsor Park. He could keep the House for a week listening to extracts to prove that in England and Scotland for valuation purposes it would be advantageous to have a map much larger than six inches to the mile. In the blue-book would also be found the strongest evidence from Mr. Bellenden Ker, and the other authorities who had been consulted, that it was essential, with reference to the transfer of property and the registration of assurances, there should be a larger map than one of that size. He had delayed the House at such length because he wished it to feel that the decision to which it came the other day upset the 25-inch scale, which would have been perfect for all purposes where a map or plan could ever be used, and that if no further inquiry were instituted the survey of the rural districts would proceed upon the 6-inch scale. He did not deny that the 6-inch scale had its merits. It had succeeded in Ireland for the purposes to which it was applied in that country, and, as the son of a landed proprietor in the Lothians, where all the divisions were large, it would be more convenient to him to have a plan of his estate upon that scale than upon any other. But when they came to great national purposes — such as valuations, registration, and transfer of property—they must adopt a larger scale than six inches to the mile if they wished to make the survey useful. He could understand the views of those who said that a 1-inch map was all that the nation should be required to make. He did not deny the beauty and advantages of such a map; but they ought to bear in mind that the principle of a property survey—and by that term he meant a survey for great public purposes,—was adopted in Ireland in 1824, and that it was extended to England and Scotland in 1840, when it was resolved to proceed upon the 6-inch scale. Moreover, such an amount of work had been done upon a larger scale than one inch to the mile, and the advantages of the enlarged scale were so fully appreciated by the public that he believed it impossible to revert to a 1-inch map alone. The Government of Lord John Russell tried to do so in 1851, but the administration of Lord Derby, which succeeded, found that they could not abide by the decision of their predecessors, and they were obliged to depart from it in consequence of the memorials they received from all parts of the country praying for a larger scale. In the same manner the Ministry of Lord Aberdeen found it impossible to revert to the 1-inch scale. Upon his own suggestion—for at that time he held an office in the Treasury—a circular was sent to all the most competent authorities in Great Britain with a view of ascertaining what, in their opinion, was the best scale, and the result he had already detailed to the House. So great and universal, indeed, was the demand for large plans, that no Government could take their stand upon a 1-inch map alone ; and, seeing that the difference of cost between the 6-inch scale and the 25-inch scale was a mere trifle—something like three farthings an acre in the cultivated districts, the total difference upon the whole of England and Scotland being £230,000, and upon the unsurveyed districts of the north of England and Scotland only £30,000—he thought it would be unwise economy not to spend a little more in order to get a really useful map. England was not so poor that it could not afford to spend £230,000—spread, if they pleased, over ten or twenty years—upon a map which, in the opinion of all the most competent authorities whom the Treasury had consulted, was essential, if they wished to have a map practically useful for the national purposes of the valuation and registration of property. At the same time, England was not rich enough to spend £2,000,000 (which would be the cost of the 6-inch map for the whole of England and Scotland) for a map which might to a certain extend be useful, but which the authorities united in declaring would not be sufficiently large for any practical purpose. He did not ask the House to negative the 6-inch scale. He did not, indeed, submit any proposition with respect to scales at all. That was not a question for the House to decide, because it was of a technical, scientific, and practical nature, and as such the Treasury, feeling its incompetence, had been obliged to refer it to acknowledged authorities. He warned them not to be led away by professional opinions which might be given in that House. There had always been a jealousy on the part of the civil engineers towards the Ordnance with respect to this question of survey. The civil surveyors had uniformly endeavoured to get the work into their own hands, and were naturally vexed that the Ordnance-office should be allowed to proceed with it. But this great national work was undertaken by the Government corps of engineers. Commenced in the last century it had proceeded gradually and slowly over the length and breadth of England under the same superintendence. The civil engineers were naturally anxious that the survey should be limited to as small a scale as possible, because the more that was left undone the more would remain for them to do. Mr. Jones, the Cathedral Commissioner, in his reply to the Treasury circular, said that he was in favour of a map upon the scale of 26⅔ inches to the mile, that being the scale which the civil engineers always adopted, though it would appear that they locked up their maps in order that they might be employed to make fresh surveys upon different scales. Any professional opinion, therefore, which might be given upon this question must be taken *cum grano salis.* He trusted he had said sufficient to induce the House not to take any hasty or irrevocable step with respect to the scale or scales upon which the survey should be made. The question was already in a state of great confusion, and he believed that by referring it to a fair, impartial, and competent tribunal, they would adopt the only practical issue out of their difficulties. The most fair and competent tribunal to which it could be referred would be a Royal Commission properly constituted. Do not let a single Scotchman be upon the Commission, but let it consist of such men as his right hon. Friend the Member for Oxford University, the hon. Member for Sheffield, the hon. Member for West Surrey; or, in the other House, Lord Eversley, Lord Belper, Lord Rosse, and Lord Wrottesley. It would be only fair to exclude civil engineers, but the Commission ought to have the services of some scientific man, such as the Astronomer Royal. If the Commission were properly constituted he had no doubt that the inquiry would be a fair and searching one ; and in that event he would be content never to open his lips again upon this subject, but to abide by the decision of the Commissioners.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "in the present position of the Ordnance Survey of Great Britain, the Survey on the six-inch Scale ought not to be proceeded with without further inquiry; and this House is of opinion, that an humble Address should be presented to Her Majesty, praying Her Majesty to be graciously pleased to appoint a Royal Commission to inquire into the whole subject of the National Survey, and report upon the Scale or Scales on which it should be made and published," instead thereof.

Viscount PALMERSTON: My noble Friend has thrown out challenges right and left. He has challenged the Irish Members, he has challenged my right hon. Friend the Member for the University of Oxford, he has challenged the civil engineers who are Members of this House. Now, I hope none of these parties will accept the challenge of the noble Lord. It is no disparagement to the courage of any man that when he is engaged in the performance of public duties, or is about to be called upon to do so, he should, for the moment at least, decline any private challenge that might be tendered him. We are met this night to enter upon the performance of a public duty far more important than any discussion upon the 25-inch scale, the 6-inch scale, or the 1-inch scale. We are anxious to go into Committee of Supply in order to determine the expenditure of the country, and really I do hope that we shall not have a renewal of the discussion; about the 25-inch or any other scale, which, if once begun, would probably occupy the whole night. I hope the House will be satisfied with having indulged my noble Friend with what, no doubt, was his real object, to vindicate the character of his countrymen from any charge of selfishness, or that their desire for the larger survey arose from other motives than those which should guide all public men in their advocacy of public measures. He has also stated again, in great detail, the reasons which he gave the other evening in support of his own opinions, and I am bound to say that in many of them I agree with him, for the House will excuse me for saying that I believe the decision it arrived at the other evening was a wrong one. But, nevertheless, there is that decision, and whether it was based upon full examination and careful deliberation, or founded upon prejudice and superficial impressions, it is not for me to inquire. The House determined by a majority that the 25-inch survey should not be continued or published. That decision we adopted, and by it we are bound to abide. My noble Friend purposes, with a view to the reversal of that decision and the re-establishment of the 25-inch scale of survey, that all surveys of any kind should be at once stopped, the officers and men engaged upon them should be paralyzed until a Commission, which he suggests, shall have reported to the Government, and the Government shall have laid the Report before this House in the next Session. By that proceeding many months would be wasted, all the persons now engaged in these surveys must be kept in idleness at a great expense or be discharged; and in the latter case, it would be found necessary, when the work was recommenced, to reorganize the staff, at great cost and labour, and after all, with a great risk of inconvenience, from the ignorance of the persons employed. It is impossible, therefore, for me to agree with the Resolution proposed by my noble Friend—that is, as to the first part of it. If he will consent to strike out all the first portion of the Resolution, and, not to-night, but on some future occasion, would propose a simple address to the Crown to appoint a Commission to inquire into this matter, I should have no objection to offer to such a proposal. Every one must admit there have been so many changes of decision, so many plans adopted and abandoned, perhaps I may be permitted to add, so much tergiversation upon the question of these surveys, that it may be desirable to have a Commission properly constituted to inquire into the whole matter, and to endeavour to educe some order out of this seeming chaos. However that may be, it would be highly inexpedient to stop all proceedings until the Report of that Commission shall have been read, and still more inexpedient would it be to raise at this time a debate upon these surveys, which would certainly entail the loss of this night, as far as the Committee of Supply is concerned. I entreat the House, therefore, not to be drawn into a discussion, however tempting the occasion may be, but hope they will allow this matter to drop for the present, and proceed at once with the business of the evening.

Lord JOHN MANNERS said, he believed his noble Friend (Lord Elcho) would be much mistaken if he suffered himself to think that the House was prepared to sanction the suggestion thrown out by the noble Lord (Lord Palmerston) towards the close of his address. All the inconvenience which the noble Lord had pointed out as likely to follow from the adoption of the course proposed by his noble Friend must inevitably be produced by the adoption of that recommended by the noble Lord himself; and he (Lord J. Manners) rose for the purpose of stating, that upon that, or upon any other occasion, he should feel it his duty to oppose any attempt to reverse the decision at which the House had arrived the other evening in reference to that question.

Sir DENHAM NORREYS observed, he was quite prepared to accede to the suggestion of the noble Lord at the head of the Government, and to allow the challenge of the noble Lord the Member for Haddingtonshire to pass without notice, if the Government would declare that no Commission should issue upon this subject during the present Session. He must, however, be allowed to say, that any Commission nominated by Lord Panmure could only be intended as an evasion of the decision arrived at by the House on a former evening.

Mr. BAILLIE wished to know whether he had correctly understood an answer which had been given that evening by the Secretary for the Treasury, that whenever the engineers had commenced the survey of any county on the 25-inch scale, no matter how small the commencement had been, the survey of that county should be proceeded with on the same scale.

Mr. WILSON said, he believed the Ordnance Department had put an erroneous construction on the division of the House the other evening. The opinion entertained at the Treasury upon the subject was, that the 25-inch survey might be completed in those districts in which it had previously been commenced, but that it should not be adopted in any portions of the counties in which those districts were situated; and that opinion would be communicated by the Treasury to the Ordnance Department.

Mr. JOSEPH LOCKE said, he thought there could be no doubt the object of the Motion was to reverse the decision to which the House had come on a former evening. If he was to understand that the Government intended to oppose that Motion he would not say one word; but if it was intended that hereafter the same Motion was to be brought forward without the same opportunity of resisting it that existed now, he should feel inclined to go on with the discussion at once.

Sir GEORGE GREY: We have moved that the Speaker do leave the Chair, in order that the House may go into Committee of Supply. My noble Friend (Lord Elcho) has moved his Resolution as an Amendment to that Motion. The Government support the original question. If my noble Friend should on some future occasion think fit to renew his Motion in its present or in a modified shape, of course ample opportunity will be afforded to all hon. members to state their objections.

Lord ELCHO: The course I propose to take now is to withdraw my Resolution for the present, and to bring it forward on some future occasion. [*Loud cries of* "No!"]

Mr. W. WILLIAMS said, as the noble Lord (Lord Elcho) had occupied one hour of the time of the House in introducing his Resolution, it was only fair that he should now submit it to the House.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

SUPPLY—MISCELLANEOUS ESTIMATES.

House in Committee; Mr. FitzRoy in the Chair.

(1.) £109,842, Superannuations.

Mr. BLACKBURN said, that these allowances were proposed to be granted under the Act of Parliament, but several of them were not in accordance with the scale laid down by it. He thought, moreover, that the system was radically wrong, as those who enjoyed a long life after their retirement, received much larger sums than the nature of their services deserved. He found from the papers that these instances were by no means uncommon; amongst others he might mention that one gentleman had retired over twenty years ago on the ground of ill-health, and was still drawing his retired allowance. He would suggest that a capital sum should be given instead of a pension: it would be a better provision for his family if an officer died soon after his retirement.

Mr. WILSON said, that the present scale of superannuation pensions was founded on an Act of Parliament; and if the system of paying sums down were adopted, he feared there would be many cases in which public servants would spend the money thus given them upon their retirement, and would be thrown upon the public bounty after all. He would also state that the cases referred to by the hon. Gentleman were not cases which had occurred under the ordinary course of superannuation, but cases in which the parties had retired for purposes of economy at the desire of the Government.

MR. W. WILLIAMS said, that of this enormous amount of retiring allowances, a large proportion was paid by way of compensation for abolished offices. Now, why were these persons not appointed to other departments of the service upon the abolition of their offices? A large saving would be effected by adopting this system. In many instances retiring allowances were granted to persons who had spent but a few years in the public service, and it did seem as though this large expenditure was saddled upon the public to a great extent for purposes of patronage. One instance he would mention in which an individual was paid £700 a year as a retiring allowance in 1820—thirty-seven years ago—on account of "infirmity of body," and he had been receiving it ever since. The proper course would have been to give this person six months or so to recover his health instead of pensioning him off in this way. He had no doubt that many of these retiring pensions were occasioned by the improper creation of vacancies, and he believed that if the subject were inquired into by an independent Committee of that House a large sum might be struck off from these estimates.

MR. WISE said, he wished to call the attention of the Committee to the scale on which the retiring allowances to Consuls were made, which he thought quite inadequate. In almost every case where they had retired from ill health, the allowances were miserably small. In one case, where a Consul with £800 a year salary, had been obliged to retire from that cause only, the miserable pittance of £200 a year was allowed to him. He knew twenty-six cases in which the Consuls had retired on account of serious ill health, and in all of which trifling pensions had been granted after twenty, thirty, and forty years' residence abroad. The injustice of this was, he thought, the more striking when contrasted with the pensions allowed in the diplomatic service. Ambassadors and Ministers received considerable pensions when they retired, while the Consuls who had been long in the service did not receive much more than the amount contributed by the consular body. The total consular salaries were £137,260, and the pensions £10,542; but the Consuls contributed to the Superannuation Fund no less than £6,863, whilst the diplomatic service paid nothing and received £22,530 in pension, and £150,000 in salaries. A Consul with £500 a year, after serving twenty-five years, and being subject to a deduction of 5 per cent, would receive on retiring £250; and he might mention the case of a Consul General at Chili, who after eighteen years' service at £1,400 a year, received but a pension of £400, having contributed £1,440 to the fund. Considering our complicated relations all over the world, and the immense interests of British property and of the British people, and how important it was to secure the services of able and qualified persons, it seemed to him, that if they wished to obtain good public servants for this branch of our service, they must treat them better than that. He also complained that in many instances, where an office had been abolished, and compensation granted, the office had been shortly after revived, and instead of the same civil servant, another person had been appointed to fill the office against all principles of economy and efficiency. The compensations to be voted this year amounted to £9,720, and he should cite two or three instances in proof of what he stated. A Consul General at Buenos Ayres, receiving £2,500 a year, retired a few years ago at the age of thirty-eight with a pension of £1,000 a year, and it was said that the office was abolished. Almost immediately after, another Consul was appointed, held the office for a very short time, and then retired with a pension of £266 at the age of thirty-one. At the present moment, we had a Consul General and Agent with a salary of £1,885, and a Vice Consul with £500 a year, making the total outlay £3,651. Again, at Venice, a Consul General receiving £1,200 a year, retired at the age of forty-three with a pension of £600 a year. Abolition of office was the reason assigned. We had now, however, another Consul General at Venice with a salary of £700 a year. He would leave the Committee to judge, whether these appointments and reconstruction of offices were necessary, and whether they were made for the good of the country or for the private advantage of some favoured friend. For his part, he did not see why, if a port became of less importance and the trade small, so as to call for little labour at the hands of a Consul, a reduction in the salary of the existing Consul could not be made; or, at all events, a more systematic promotion established, instead of taking the Consul out of the service altogether on a compensation, and then appointing a fresh officer. The third case he would mention was, that of Tripoli. In 1852, a Consul General receiving £1,600 a year, retired upon a compensation of £850. The office was abolished; but, notwithstanding that, we had now a Consul at Tripoli with £800 a year, and a Vice Consul with £300 a year. He did not say that it was not essential to have a Consul at Tripoli; but he could not see the advantage of abolishing an office, of granting compensation, and then of appointing a fresh officer in that fashion. Again, in 1851, we had a Consul at Foo-chow-foo with £1,200 a year; the office was abolished, and he retired on a pension of £600. Immediately after, another Consul was appointed, and the present establishment consisted of a Consul and Vice Consul, with salaries of £1,200 and £750. He mentioned these facts, because he thought that it was better to give cases, than to make long orations on the Estimates. The public purse was not unlimited; he hoped, therefore, that the Government would consider the subject, that they would not give these compensations, where they were not deserved, and that they would not abolish offices, and in a short time reconstruct them at such a serious expense to the country.

Colonel SYKES said, he thought that though a certain latitude must be allowed to the Government with regard to pensions and allowances, there should be some general rules observed with regard to them. There were two items with regard to which he should like to have some explanation. It appeared that Mr. Espine Batty, Consul, retired after eight years' service, and, his salary having been £1,000 a year, the pension he received was £500 per annum; and, on the other hand, that Jonathan Johnson, clerk, retired after thirty years' service, and his salary having been £800 a year, his pension was only £550.

Sir FRANCIS BARING said, he wished to inquire whether the rule laid down by the Committee of 1834, with reference to superannuations and compensation on the abolition of office, was now adhered to? As he understood, the recommendation of that Committee was that they should be the same. He wanted to know whether that rule had been altered, or whether some of the cases referred to in which the compensation awarded had been very large were special ones, out of the ordinary course?

Mr. Wise

Mr. WILSON said, that the practice of the Treasury as regarded abolished offices was by no means uniform. No doubt the rule of giving compensations according to the principle laid down in the Act of 1834 might be considered as the general practice of the Treasury; but in some cases, where it was for the convenience and the economy of the public service that particular offices should be abolished, and where great hardship to individuals accrued, they had considered it competent to the Treasury to act with greater liberality. If a person were superannuated under the Act of 1834, either through age or illness, he must be taken to have left the service for his own convenience, and it must be remembered that his office was immediately filled up by another person, and there was no gain to the public. But the case was altogether different when they abolished an office and compelled a man to retire sooner than he otherwise would have done. No other person was then appointed to the office; the gain was all to the public, and the person so deprived of his situation was entitled to consideration. With respect to the two cases selected by the hon. and gallant Member for Aberdeen, (Colonel Sykes) one was the case of a professional gentleman taken from the law, and in all such cases professional officers were dealt with differently from those who were in the public service as clerks, and who had not been called on to give up a profession. There was a strong instance of this which he could mention. Two years ago Parliament passed an Act which did away with the Metropolitan Building Board, and provided that all servants who had been employed in that department for three or four years should have two-thirds of their then salary. That provision was inserted in the Act on the distinct consideration that they were professional men, who had been withdrawn from their profession, and had, consequently, lost what connection they might have had. With respect to the observations of the hon. Member for Stafford (Mr. Wise) with respect to the case of the late Consul at Buenos Ayres, he wished to remind the Committee that that charge would not again occur, because arrangements had been made for the re-employment of the officer in question. He was willing to admit the hardship of some of the rules respecting the consular service, but at the same time he would observe that next year, as his hon. Friend was aware, the whole matter would be submitted to a Committee, when abundant opportunity would be given to bring forward the whole details of the service.

SIR FRANCIS BARING said, he did not think that his hon. Friend had exactly answered his question. No doubt there might be cases of great hardship on the abolition of offices. But his hon. Friend was aware that the recommendation of the Committee was that the same practice should be followed in superannuation cases as in the case of abolition of office. His question was whether in this case the rule had been exceeded, or whether the cases in question were special? No doubt the case of a professional man taken out of his ordinary line of life to fill an office was different from that of a clerk who was taken into the office early in life, and who retired after long service. He quite agreed, also, that many cases of hardship might arise from the sudden abolition of office; but his experience told him that it was by no means the best class of officers who were reduced. When the Committee made its recommendation he knew that the officers were full of complaints; that officers who were selected for reduction were selected because they were not the best officers in the service, and they had retiring allowances granted them, while others were retained, and had to serve much longer, merely because they were more energetic and able men. He believed that in all cases where an extra sum was allowed to retiring officers, the recommendation was that a special minute should be made and laid on the table of the House.

MR. WILSON was understood to say, that in the particular instances alluded to, the Act of 1834 had been complied with, and special minutes made and laid on the table. With regard to others the minutes had been made in former years.

In reply to a question from Mr. BLACKBURN,

MR. WILSON said, that the Act of 1834 did not grant any specific compensation for the abolition of offices. It merely referred to compensation to those worn out in the service. Up to the age of sixty-five the Treasury had no power to grant superannuation allowances, except under a medical certificate that the officer was no longer fit to serve, combined with a general certificate of good conduct. The superannuation for offices abolished was under a different law, or, rather, arose out of the prerogative of the Crown itself, which had been exercised for a long period and had been recognized by various Parliamentary Committees.

MR. BLACKBURN said, he would refer the hon. Gentleman to the Act itself, which enacted that no compensation shall be given for offices abolished, except under certain circumstances.

MR. WILSON replied, that what really was enacted was, that in the cases of offices abolished the compensation should be made out of the funds devoted to the service of that particular department.

SIR JOHN TRELAWNY said, he wished to call the attention of the hon. Gentleman to a case in the superannuation list, where a gentleman retired from the service at eighty-four years of age, after a service of ten years only. That gentleman had been receiving a salary of £1,500 a year, and since his retirement a pension of £375 a year. He wished to ask whether it would not have been better to have appointed a younger man from whom more work could have been obtained. There were some other cases which he might name were it not invidious to do so.

MR. WILSON replied, that the cases referred to were those very ones abolished by the doing away of the Metropolitan Building Board, and in which the compensation had been distinctly defined in the Act.

COLONEL SYKES said, he also would beg to call the attention of the hon. Gentleman to the case of a clerk of the venison warrens, who, after a service of fifteen years at a salary of £150, was allowed to retire on his full salary, and to ask upon what principle that amount of compensation was allowed?

MR. WILSON said, he could not state the exact ground upon which the full salary had been given. Probably it was a patent office, and the person who filled it was entitled to the full salary.

Vote *agreed to*, as were also the following Votes—

(2.) £2,058, Toulonese and Corsican Emigrants.

(3.) £1,300, National Vaccine Establishment.

(4.) £325, Refuge for the Destitute.

(5.) £2,680, Polish Refugees, &c.

(6.) £4,281, Miscellaneous Allowances.

MR. WISE said, that he observed that £700 of this Vote was to the poor French refugee clergy. Now, as he understood that it was sixty-six years ago since this Vote was placed on the Estimates, and as he assumed the clergymen in question must have been at least twenty-one years of age at that period, and therefore must by this time have reached the age of eighty-seven, he wished to know how much longer it was expected that Parliament would be asked for this money, and whether the recipients were indeed living?

Mr. WILSON replied, that the application was made through the secretary of the society, a most respectable person, and there was no reason to suppose the money was improperly paid.

In reply to Mr. Blackburn,

Mr. WILSON said, that the Vote did not include £1,200 given by the Government to certain literary characters.

Mr. W. WILLIAMS said, he must object to several items of the Vote. For instance, he found an item of £22 formerly charged on the hereditary revenues of Scotland, which included alms given to Her Majesty's beadesmen and the expense of finding them with gowns. He thought such payments ought to be discontinued. He also saw an annuity of £500 granted by King Charles II. to the ancestor of the late Sir Thomas Clarges in fee, which he saw no reason why the country should be called upon to pay at the present time. He objected to the charge on principle.

Mr. WILSON replied, that all these charges had been subjected to the strict examination of a Committee of that House, and had been retained on the ground that it would not be keeping good faith with the recipients. The Committee must remember that the items were formerly charged on the land revenues of the Crown, and the charge had been transferred with the revenues in question.

Mr. W. WILLIAMS said, that he did not object to their present payment, but thought they ought to cease on the decease of the recipients.

In reply to Mr. Spooner,

Mr. WILSON stated that the item of £90 9*s.* for repairs of the bridge at Berwick was a charge which had formerly been defrayed from the Civil List.

Vote *agreed to.*

(7.) £1,895, Infirmaries in Ireland.

Mr. W. WILLIAMS expressed his opinion that this was one of those items which ought not to continue in the Estimates. It might have been defensible before the establishment of the Poor Law in Ireland, but he thought the charge of such institutions ought not now to be thrown upon the public taxes.

Mr. WILSON could console his hon. Friend by informing him that under the 14 & 15 *Vict.*, c. 68, these allowances would be gradually discontinued.

Mr. Wise

Vote *agreed to.*

(2.) Motion made, and Question proposed, "That a sum, not exceeding £3,135 be granted to Her Majesty, to complete the sum necessary to defray the Expense of the Westmoreland Lock Hospital, Dublin, to the 31st day of March, 1858."

Mr. COWAN said, he rose to object to the item. The noble Member for the City of London (Lord John Russell), when he was at the head of the Government, had proposed to reduce the allowances to the Dublin hospitals at the rate of 10 per cent per annum, until they altogether ceased. In 1854, on the Motion of the hon. Member for Dublin, the subject was investigated by a Committee, who recommended that the grants should be continued. The Commissioners appointed at the suggestion of that Committee recommended that the total sum granted for the support of the Dublin hospitals should not exceed £15,600, while the aggregate amount now asked of Parliament was £19,017, or an excess of nearly £4,000. In Liverpool, Manchester, Birmingham, and other large towns, there was a large immigration of poor Irish, for whose support the ratepayers were compelled to provide from their own resources. The people of Scotland were also about to be called upon for large contributions for the establishment of lunatic asylums; and if it was right that grants similar to that now under consideration should be continued, the House ought to decide upon what principle the money of the State was to be applied to such objects. He therefore proposed that the recommendation of the Committee of 1854 in favour of a certain fixed and specified sum should govern the House on this occasion, and that the £2,600, less the £850 voted on account last Session—in other words, £1,750—should be the sum granted for the Westmoreland Lock Hospital for the present year.

Motion made, and Question proposed, "That a sum not exceeding £1,750, be granted to Her Majesty, to complete the sum necessary to defray the Expense of the Westmoreland Lock Hospital, Dublin, to the 31st day of March 1858."

Mr. W. WILLIAMS said, it was extraordinary that, in the face of complaints from year to year, the grant for this hospital should on this occasion be £2,770 more than the grant of last year.

Mr. WILSON said, he had endeavoured

to do all that lay in his power to carry out the understanding of the Government of which his noble Friend the Member for the City of London was at the head, until he was interrupted by the appointment of a Committee of that House. He certainly opposed the appointment of that Committee, but unsuccessfully, and when it reported to the House, no other course remained to the Government than to carry out the recommendations which it made. A Commission was also appointed for the purpose of inquiring how the £16,000 granted by the House for the support of those hospitals should be applied. That Commission recommended a certain distribution of the funds, which the Government, of course, adopted. Besides, an Act of Parliament passed last Session which confirmed the proceedings both of the Committee and the Commission. As to the charge that the Government was this year exceeding the Vote of last year in respect to the Westmoreland Lock Hospital, he could explain how that was. Only £1,215 of the Estimate of 1856 happened to be voted, so that £1,385 was advanced from the Civil Contingencies Fund to make up the Estimate, and that £1,385 had now to be repaid, and was included in the Vote for the present year.

Sir J. TRELAWNY said, he doubted whether the explanation of the hon. Gentleman (Mr. Wilson) was correct on constitutional grounds. The Government ought to have a policy and to act upon it.

Mr. COWAN observed, that he would remind the Committee that he opposed the Bill last year, which passed into a law, and took a division upon it, on the ground that its object was to make the grants for these hospitals more permanent than they ought to be.

Mr. KIRK said, the Vote ought not to be objected to by the English Members, inasmuch as whenever it was found that any of those numbers of poor Irish who came over to this country and enriched it by their labour on public works in London, Glasgow, and Liverpool, were unable longer to contribute their labour in that way, they were at once sent home and landed on the nearest shore, unless by long residence in this part of the kingdom they had gained a settlement in it.

Mr. W. WILLIAMS said, he begged to remind the hon. Member (Mr. Kirk) that any Irishman gained a settlement in England after he had resided in it for four years.

Mr. VANCE said, he wished to recall to the recollection of the Committee that the grants for these hospitals were guaranteed by the Act of Union, and had continued ever since uninterruptedly, and that a Committee of that House, of whom eleven were English and four were Irish Members, had recently recommended their continuance. He added that on a division thirteen Members of the Committee voted for the continuance of all the grants, and that the grant which they were unanimous in recommending should be continued without reduction was the very one now under discussion. Moreover, he might mention that at the time of the Reformation there were hospitals in London, such as St. Luke's, St. Thomas's, and St. Bartholomew's, which had lands in Ireland, and which they were allowed to retain. There were monasteries at that time in Dublin which had lands in England, but they had lost their lands, and had been allowed grants by Parliament in lieu of them. This alone constituted an equitable claim to an equivalent.

Mr. COX said, he could not but characterise the Vote as a paltry one, and was quite surprised that an hon. Member for such a city as the city of Dublin (Mr. Vance) should ask assistance for the Dublin hospitals. The people of Dublin were rich enough, and he was quite sure they were willing, to support their own charitable institutions. The London hospitals were supported by voluntary contributions, and he did not see why the people of Dublin should not act in a similar manner.

Lord NAAS said, that in fact three of the largest London hospitals were supported by public moneys, being endowed with the revenues of monasteries suppressed in the reign of Henry VIII.

Mr. W. WILLIAMS concurred in the opinion of Mr. Cox.

Mr. COWAN expressed his wish to withdraw the Amendment, but

Mr. COX objected.

Amendment put, and *negatived.*

Vote *agreed to;* as were also the following Votes—

(9.) £700, Lying-in Hospital, Dublin.

(10.) £300, Combe Lying-in Hospital, Dublin.

(11.) £4,600, House of Industry, Dublin.

(12.) £2,500, House of Recovery, Dublin.

(13.) £400, Meath Hospital, Dublin.

(14.) £150, St. Mark's Ophthalmic Hospital.

(15.) £1,805, Dr. Steevens' Hospital, Dublin.

(16.) £427, Board of Superintendence, of Hospitals, Dublin.

(17.) £4,338, Charitable Allowances.

MR. BLACKBURN said, he must complain that so large a sum should be granted to persons at the will of the Government. The Committee ought to have a list of the persons, and some explanation ought to be given as to the manner in which the money was expended.

MR. WILSON said, he had no means of furnishing details at present, as the money was expended in Ireland.

Vote *agreed to.*

(18.) Motion made, and Question proposed, "That a sum, not exceeding £39,008, be granted to Her Majesty, to defray the Expenses of Nonconforming, Seceding, and Protestant Dissenting Ministers in Ireland, to the 31st day of March, 1856."

MR. BAXTER said, he rose to move the reduction of this Estimate to £366, the amount for widows and orphans, at the same time he wished to state that in asking the Committee in reality to reject the Vote, he was not actuated by any ill-feeling towards the people of Ireland. Being a Protestant and a Nonconformist, he would be the last to breathe a syllable against a body of men for whom he entertained the highest respect, and he should not grudge the money if he believed that the grant was founded upon a correct principle, or was likely to benefit the Irish people. A similar grant was withdrawn from the Nonconformists of England when the noble Lord the Member for the City of London was Prime Minister, and the Nonconformists in this country regarded its withdrawal as a boon and an advantage. He did not wish to raise the question of the Established Church in Ireland. But in Ireland they had not been content with the establishment of Protestant Episcopacy. They had passed an Act providing for the education of Roman Catholic priests, at the same time that they made grants out of the public Treasury to Presbyterians and Unitarians of the Synod of Ulster. The principle of indiscriminate endowments had been received with considerable favour by some of our leading statesmen, and perhaps this might turn out to be a step in that direction; but he believed that principle to be a most vicious one, and calculated, if acted upon, to subvert our civil and religious liberty. Still it was a principle, and he could understand it; but, in selecting four out of twelve denominations in Ireland, he did not think they were acting upon any intelligible policy whatever. He was convinced they would never have ecclesiastical peace in that House or in the country until they began to act upon the opposite principle of impartial disendowment. There were no special reasons why this grant should be maintained. He had often heard it said that the grant was given in lieu of tithes, and that the Presbyterians in the north of Ireland had a right to it. But he had looked carefully into the history of the transaction, and, after the fullest and most impartial investigation, he believed the statement in question to be a pure and unmitigated fiction. Dr. Reid, the historian of the Irish Presbyterian Church, said not a syllable about it; and he learned from a passage in the *Memoirs of Lord Castlereagh,* that the Presbyterian ministers were put in possession of the tithes being at that time ministers of the Irish Church. They were deprived of them in the time of the Commonwealth, and from the Restoration down to 1672 the Presbyterian ministers of Ireland were supported by the voluntary liberality of their people. William and Mary afterwards granted them a sum of £1,200 a year, to be paid out of the revenues of the Irish Establishment; but in little more than a twelvemonth the Irish Parliament passed a Resolution to the effect that this pension was an unnecessary branch of the Establishment. The Queen continued the grant, but it was soon discontinued by the Irish Government. He thought that the whole history of the *donum* proved most conclusively that it was neither more nor less than a reward for political services. In 1772 it was placed in the annual Estimates under the head of "secret service" money, and when Lord Castlereagh endeavoured in 1799 to alter the mode of distribution, he entitled his scheme—"A plan for strengthening the connection between the Government and the Presbyterian Synod of Ulster." Such being the origin and history of the grant, what had been its effect upon the Presbyterian Church? It had weakened that Church, and diminished the stipends of its ministers by drying up the sources of voluntary liberality to such an extent that one of their own pastors had spoken of it as the most beggarly denomination in Christendom. It appeared from a recent

Parliamentary Return, obtained by the hon. Member for Sheffield, that the Presbyterian congregations of Ulster raised on the average, by their own exertions, no more than £57 per annum each, and it was very remarkable—such had been the effect of the grant—that some of the largest and wealthiest congregations actually contributed less than some of the smallest and poorest. Let him contrast that miserable result with what had been done by the Free Church of Scotland. When the disruption in the Scottish Church took place, 448 ministers and professors abandoned their offices and emoluments in the Established Church of Scotland. That number had grown, in 1857, to 801, with about one-third of the whole population of Scotland adhering to their discipline. In the first year of the disruption the sustentation fund was £68,000; last year it was £108,000. In the first year of the Free Church's existence the ministers received a stipend of £105 annually; now, the number of ministers had increased to 712, who received £140, in addition to the freewill offerings of their congregations. In fact, the average salaries of the Free Church ministers were larger than those of the ministers of the Established Church. The missionary fund had risen from £3,000 in 1843 to £14,000 in 1856. The Free Church schools last year numbered 607, and the manses 535: all created since the disruption. In that space of time the Free Church had raised no less than £3,902,000 for religious purposes. He asked the House to contrast the working of Presbyterianism under the voluntary system in Scotland with its working under State subsidies in Ireland. He submitted that he had made out a case for the consideration of the Committee which justified him in asking them to support the Amendment which he proposed. He was fully persuaded that, if they would take that course, it would have the effect of strengthening Presbyterianism in the north of Ireland, and would be the first step towards the abolition of a policy which was false in principle, and could not be permanently maintained. He should, therefore, conclude by moving that the Vote be reduced to £366.

MR. KIRK said, he felt it necessary to correct some of the mistakes into which the hon. Member for Montrose (Mr. Baxter) had fallen. When the Presbyterians first settled in Ireland, the question was not whether they were Episcopalians or Presbyterians, but whether they were Protestant. The Irish Protestant Church at that time was not altogether identified with the Church of England, but was founded on seventy-two Articles, differing in many essential particulars from the Thirty-nine Articles of the Church of England; the object then being to establish a universal Protestantism in Ireland. Accordingly, the Presbyterian ministers took possession of the manses and tithes, but when the Commonwealth came, they, in common with all other clergymen, were deprived of their revenues. Upon the Restoration they were restored to their benefices, but when the Act of Uniformity was passed, they again, in common with all other nonconforming ministers, were deprived of them. In 1672, however, and not in 1772, as the hon. Gentleman had stated, the present grant was made. It was true, that during the latter part of the reign of James II. the grant was withheld; but it should be understood that James II. was a Roman Catholic, and, therefore, not likely to favour any grant for the maintenance of Protestant ministers. After the Revolution of 1688, the first Act of William III. upon landing in Ireland was to restore the grant, and the very words of that grant were, "in lieu of the tithes of which they had been unjustly deprived." Thus, the Presbyterians claimed it as a contract entered into between them and the Government at that time. It was on a similar footing as the Scotch grant, and like it had been placed on the Consolidated Fund, and it was only very recently that it had been put on the annual Votes. The opposition to this grant did not come from the Free Church of Scotland, but from a society in the city with a very long name —he meant the "Society for the Liberation of Religion from all State Assistance and Control." He had attended one of their meetings and learnt that their object was to destroy the Irish Church, and to effect that object they sought to obtain the support of the Roman Catholics by depriving them of the Maynooth grant, and of the Presbyterians by the withdrawal of the *Regium Donum.* The hon. Gentleman who objected to this grant, if he had referred to a paper laid upon the table of the House in February last, would have found that Scotland had not been without her share of grants for religious purposes. These having exactly the same object in view as the Irish grant, but not a word was said against them by any Scotch Member. That return showed that in five years the Church of England had received grants to the extent of £203,296; the Church of Scotland, £106,452; the Church of Rome, 131,910. The grant to the Irish Presbyterians had been always a free and unconditional grant. No Government had attempted to impose terms in respect to it, and if any attempt had been made to impose such terms it would have been vehemently resisted. The Irish Presbyterians believed the grant to be their inalienable right; they received it from their fathers, and would certainly, if possible, hand it down untouched to their children. Let it be remembered that the Scottish Presbyterians found the north of Ireland a barren morass, from which the English settlers had fled in disgust. They had transformed it from barrenness into fertility; and, though the worst land, it was now the best cultivated part of Ireland. It had no fuel of intense power to work its manufactories but what it imported from England and Scotland; and yet, in the face of all these disadvantages, it competed successfully with both countries. He trusted earnestly that the Committee would not assent to the proposal of the hon. Member for Montrose.

Mr. C. GILPIN said, he would beg to ask the hon. Gentleman who had just sat down, if he really believed that a contract existed between the Government of this country and the Unitarians of the north of Scotland for granting them a certain sum annually? If the principle of State support for purposes of religion were right, then the Roman Catholics of Ireland undoubtedly had the first claim as constituting the great majority of the people. He should support the Motion of the hon. Member for Montrose, however, upon the plain and intelligible principle that all grants of public money for religious purposes were wrong in principle, and also from a strong conviction that these grants tended to lessen the vitality and diminish the strength of true religion wherever they were applied. If the Motion of the hon. Gentleman (Mr. Baxter) were carried, it would be one step towards the consummation so earnestly desired by the hon. Member for North Warwickshire (Mr. Spooner)—the abolition of the Maynooth grant. Let the Protestants first show to the people of Ireland that they did not want the money of the State, and then they could consistently, and with clean hands, demand that the Roman Catholics should give up the grants they received.

Mr. HADFIELD said, that he should support the Amendment, as he altogether denied the existence of a contract. The whole system of State grants was humiliating and degrading to their common Christianity, and was, moreover, absurd, as the Legislature was called on at one and the same time to support the most opposite systems of religion. It was miserable to see the contrast presented between the Free Church of Scotland, which during the thirteen years of its establishment had collected £3,900,000 by voluntary contributions for the support of its institutions, and the Irish Presbyterians, who during the same period had been begging £520,000 or thereabouts from the State. Throughout the whole of Great Britain and Ireland there was not one denomination of Dissenters, with the exception of this rich body, which received a single shilling from the State for religious purposes; and he trusted that the Committee would come to the decision that the grant should no longer be continued to a body so well able to maintain its own institutions; for they might rest assured that, if the grant were withdrawn, the income of the Presbyterian clergy would be increased fourfold by wealthy voluntary contributions.

Mr. BAXTER briefly replied, and observed, that the reference which had been made by the hon. Member for Newry (Mr. Kirk) to Scotland was peculiarly unfortunate, seeing that no nonconformist body in that country received a penny from the State for religious purposes.

Motion made, and Question put, "That a sum, not exceeding £366 be granted to Her Majesty, to defray the Expense of Non-conforming, Seceding, and Protestant Dissenting Ministers in Ireland, to the 31st day of March 1858.

The Committee *divided:*—Ayes 41; Noes 117: Majority 76.

Original Question put, and *agreed to.*

(19.) Motion made, and Question proposed, "That a sum, not exceeding £1,600, be granted to Her Majesty, to complete the sum necessary to pay the Salaries of the Theological Professors and the Incidental Expenses of the General Assembly's College at Belfast, and Retired Allowances to Professors of the Belfast Academical Institution, to the 31st day of March, 1858."

Mr. BAXTER said that, though opposed to the policy of this Vote, he should not trouble the House to divide against the grant, as he looked upon the last division as decisive in respect to it.

MR. HADFIELD said, he should propose to reduce the Vote by £900. There were six orthodox professors at Belfast College, and he thought three would be quite ample; and that of the two non-subscribing professors of divinity one might be dispensed with, for they were only occupied about an hour each day. He trusted that all such miserable grants would shortly come to an end, and that the noble Lord at the head of the Government, who had put a termination to ministers' money, would also get rid of every one of these subjects of contention.

MR. CAIRNS said, the hon. Member objected to this Vote on the voluntary principle; but how did he propose to set it right? Not by taking it away altogether, but by reducing the amount. What sort of argument was it that because there was a small number of students, one professor should teach them everything? It was said the professors did not lecture more than an hour a day each. He should like to know in what academical institution the professors lectured longer. The establishment of the Queen's College in Belfast had given rise to an agreement that the Queen's University should be supplemented with this theological college; it was a solemn compact entered into by the late Sir Robert Peel.

Whereupon Motion made, and Question, "That a sum, not exceeding £700, be granted to Her Majesty, to complete the sum necessary to pay the Salaries of the Theological Professors and the Incidental Expenses of the General Assembly's College at Belfast, and retired Allowances to Professors of the Belfast Academical Institution, to the 31st day of March 1858,"—put, and *negatived.*

Original Question put, and *agreed to.*

(20.) £575,482, Customs Department.

MR. W. WILLIAMS said, he wished to express his satisfaction that the cost of collecting the various branches of the public revenue was now submitted to Parliament, at the same time he must complain that the expenditure incurred for this purpose far exceeded that which was found necessary during the early portion of the present century. In the ten years preceding 1810 the cost of collecting the revenue was 5 per cent, and in the years between 1810 and 1814 it was 5½ per cent, the revenue at that time being nearly equal to its present amount. Last year, however, the cost of collecting the revenue exceeded 7½ per cent, the whole amount expended for that purpose, including superannuations, amounting to £4,699,000. The cost of collection during the last year exceeded that of 1854 by £642,000, and that of 1855 by £313,000, and he hoped the Government would afford some explanation on the subject.

MR. WILSON observed, that they were at present on the Customs Votes, and undoubtedly he must admit that there had been a considerable increase in the cost of collecting the Customs duties, but it must be borne in mind that, although the revenue from Customs had exceeded that of former years—which was somewhat a matter of surprise after the large reductions of duty which had taken place—it was necessary to regulate the establishment of the Custom House, not with relation to the amount of duties to be collected, but to the amount of trade with which it was necessary to deal, because it was requisite to provide for the examination and superintendence of every vessel, whatever might be the nature and value of the goods she carried. When hon. Gentlemen remembered the extraordinary increase of trade which had taken place within the last two years, and especially last year—when they recollected that the entries of shipping were double what they were in 1849, when the Navigation Laws were repealed, they would readily understand that a very large establishment must necessarily be required by the Customs department to superintend the vessels and the goods landed from them. He thought it ought to be a matter of great gratification to the House that, although such extensive reductions had taken place in the Customs duties, the revenue derived from that source had not suffered, and the increase of trade was proved by the circumstance that a lower rate of duty yielded an amount equal to that formerly received.

In reply to Mr. HASSARD,

MR. WILSON stated, that it was quite true that at present the cost of the tobacco warehouses was in excess of the rent received from that source, but that in a short time an arrangement would come into force which would do away with the present system, and tobacco would in future be warehoused like any other commodity.

Vote *agreed to.*

(21.) £979,133, Inland Revenue.

MR. COWAN said, he wished to know whether the hon. Gentleman the Secretary to the Treasury had received any representation with respect to the salaries of the officers of Excise. Several petitions had been presented to the House, representing that since those salaries had been fixed at their present amount an increase had been made in the salaries of various other departments, and that the Excise officers were inadequately remunerated. He believed that the salary of an Excise officer was no more than £90 a year, which was never raised, while the salaries in other departments were increased by £5 or £10 each year. Unless an Excise officer was promoted to the rank of supervisor, his salary remained at £90 to the end of his life. He believed that the Board of Inland Revenue had strongly recommended the Treasury to consider favourably the representations of the Excise officers; but he was aware that was an inopportune moment for making any demand upon the Treasury. He begged to thank the Government, and particularly the Chairman of the Board of Inland Revenue, for having conceded the prayer which had been presented for so many years by the officers of Excise that the system of compulsorily removing them to distant parts of the country might be abolished. He knew that a feeling of gratitude pervaded the Excise officers for that concession.

Mr. W. WILLIAMS said, he wished to ask how it was that the charge for this year was £200,000 in excess of the year 1854?

Mr. WILSON stated that the increased poundage on the income tax, which, however, had ceased on the 20th of March last, accounted for it. The only other increase in the Estimate was on account of the allowance to riding officers of £20 a year for a horse. With regard to the observations of the hon. Gentleman the Member for Edinburgh respecting the remuneration of Excise officers, the Government had received a very large number of applications for increase of salary from the Excise officers. The majority of them evidently emanated from one common centre, although they had arrived from a great number of quarters. One of the main reasons urged for an increase of salary was their liability to pay the income tax. All he could say was that the Board of Inland Revenue and the Treasury would consider the application, and make known their decision in a short time.

Mr. BLACK observed, that the salary of a first-class surveyor of Excise in Scotland was £200 a year, while the salary of a first-class surveyor in England was £460 a year. Again, the salary of a second-class surveyor in Scotland was £170 a year; the salary of a second-class surveyor in England was £400 a year. The salary of a third-class surveyor in Scotland was £160, while in England the salary of a third-class surveyor was £340 a year. So that while the average salary in England was £253, in Scotland it was only £170. Now, the officers in Scotland had precisely the same duties to discharge as those in England, and the qualifications demanded were identically the same. He hoped, therefore, that an end would be put to the odious distinction between their salaries.

Mr. WISE said, he wished to be informed by the hon. Secretary to the Treasury whether the Chief Commissioner of Works had the superintendence of the building and repairs of the Ireland Revenue Offices and the General Post Office, because he found in this Vote an item of £25,000 for new buildings, although last year a sum of £30,000 was voted for the same purpose.

Mr. WILSON said, that till very recently the whole of the expenses connected with each department of the Inland Revenue were paid out of the gross receipts of that particular department; but the whole of the works of the public departments were for the future to be under the superintendence of the Commissioner of Works. The reason why this Vote was not transferred was that the works to which it referred were in progress when that change was effected.

Mr. KINNAIRD said, he would beg to remind the hon. Secretary to the Treasury that he had not answered the question of the hon. Gentleman (Mr. Black) as to the distinction between the salaries of the English and Scotch surveyors of Excise.

Mr. WILSON apologised for not having replied to the hon. Gentleman's observations. He was informed that although the name was the same the duties of the officers referred to were entirely different, and he could only say that the Chairman and Deputy Chairman of the Inland Revenue Board were exceedingly desirous of doing everything to do justice to all the officers employed in the collection of the Inland Revenue. He was sure that the difference of the duties was quite sufficient to justify the difference of the salaries.

Mr. BLACK said, he would admit that there was a difference in the duties, and it was this—the Scotch surveyors had to do all that was done by the English surveyors and something more into the bargain.

Vote *agreed to.*

(22.) £43,120, Revenue Police (Ireland).

MR. VANCE asked, if there had been any increase in illicit distillation in Ireland during the last year to justify this large estimate? He observed in the Estimate an item of £2,880 for the "wages and victualling of crew of *Seamew* revenue steamer, and coals." This was not an Estimate for the coastguard service; it was merely for the revenue police, and he could not understand what the police had to do with a revenue steamer.

MR. WILSON said, the Government had no reason to believe that there had been any increase of illicit distillation in Ireland within the last year; on the contrary, there appeared to have been less than formerly. With respect to the amount of the Estimate, the Government hoped, under the Bill which he should ask the House to read a second time on an early day, to reduce the expenditure materially in the course of the present year. As to the *Seamew* steamer, the hon. Member might not perhaps be aware that for many years past it had been absolutely necessary to maintain a steamer on the north and west coasts of Ireland for the purpose of visiting the creeks and islands where illicit distillation formerly prevailed to a very large extent, and that it had been found extremely useful in suppressing the trade.

Vote *agreed to.*

(23.) £1,268,181, Post Office.

MR. W. WILLIAMS observed, that there was an increase on this Vote of £348,000.

MR. WILSON explained, that no fewer than 1,500 new district post offices had been established, so no village of any size was without a post office, and no farmhouse without its letter carrier. Indeed, the department was to be looked at as a part of the public service rather than a means of revenue.

MR. GROGAN said, he wished to know why there was a medical officer and medicine provided for the men of the London Post Office, and not for those of Dublin?

MR. WILSON said, that the number of men in the Dublin office was small as compared with the number in the London office, and would not justify the appointment of a medical officer.

MR. WATKIN said, he must complain that in the Estimate for the conveyance of mails by railroad, amounting to upwards of £580,000, no less than £268,039 was put down as an unascertained sum for services which were easily ascertainable—namely, £204,703 for the conveyance of mails on the Great Western, North-Eastern, and South Wales Railways; £47,000 for the same service on the Great Southern and Western Railway, Ireland; and £16,336 for the same service on the Edinburgh and Glasgow Railway, the Glasgow and Paisley Joint Railway, and the North British Railway. He suggested that it was desirable to bring those charges before the House in a more complete and businesslike manner.

MR. WILSON explained, that whenever a service was ascertained the cost was given with precision. But this large sum was taken as an estimated charge only, because there were a great number of arbitrations pending, the claims connected with which the Post Office might be called upon to pay at any time in the course of the year.

Vote *agreed to,* as was also—

(24.) £323,150, Superannuations (Revenue Department).

(25.) Motion made, and Question proposed, "That a sum, not exceeding £100,000 be granted to Her Majesty, to defray the Charge of Civil Contingencies, to the 31st March, 1858.

MR. WISE said, that in a great country like this £100,000 was probably not too great a sum to be intrusted to the executive for unforeseen expenditure; and all that the country required was, that it should be used for necessary and proper purposes. He thought that some of the items required explanation. There was a sum of £1,000 paid to the parties who brought home the treaties of peace from Paris and Persia. Seeing that the country paid £42,000 a year for couriers and messengers, the necessity of giving to a gentleman who was in the receipt of a good salary, a sum of £500, merely for travelling from Paris to London, was not very obvious. There was also £2,000 given to the clerks of the Foreign Office in consequence of the extra duties performed by them during the war. He believed the clerks at the Foreign Office did their duty well, and he was the last person to grudge them full and ample payment for their services, but he was anxious to know whether the hardworking junior clerks had received their fair share of this amount, or was it all swallowed up by two or three superior officials, who superintended the labours of the rest and generally obtained most of, if not all, the credit. The item of £1,200 for the legal expenses connected with the purchase of Burlington House seemed to be excessive. The Solicitor of the Treasury had a large salary, and he could not imagine how such an expenditure could have arisen from the purchase of a house and two acres of garden. The Lord Lieutenant of Ireland received an annual salary of £20,000, yet there was a paltry charge in this account of £18 for a robe for that distinguished representative of royalty. There was a charge of £28,517 for special missions, being those of Lord Clarendon to Paris, and Lord Granville to Russia; but they had voted a few nights since £37,500 for miscellaneous diplomatic expenditure, of which £12,500 had been appropriated to the mission to Petersburg and Moscow at the recent coronation. There was no portion of our expenditure that required inspection more than this department, for it was scattered over several Estimates. £180,000 was annually charged on the Consolidated Fund for the salaries and pensions of the diplomatic body, and he might mention, that since 1840 no less a sum than £5,431,000 had been expended for all the departments connected with the diplomatic and consular establishments. So long as Reports of Committees and Resolutions of that House were ignored and set at defiance, and such small missions as those of Hanover, Florence, and Stutgard continued, we should find that this expenditure would continue, and probably increase. Last year, besides £150,000 for salaries, and £22,530 for pensions, and £37,500 for miscellaneous expenses, the sum of £7,390 had been allowed for outfits, making £217,420 for one year's diplomatic expenditure, and to show the Committee the character and amount of this outlay, he might state, that during twelve years we had voted for outfits £55,304 ; for special missions £123,720 ; for house rent £110,774; and for miscellaneous expenses £235,581; amounting in all to £525,379; and unless the Committee had these items in sectional Estimates, it was not possible, without considerable trouble, to know what each department cost. It was easy to assume that the Paris embassy cost £10,000 a year, that being the sum stated in the annual accounts; but in another Vote was £3,909 for miscellaneous expenses ; in another £1,709 for repairs and taxes, and £401 for wages; and it must not be forgotten that we had paid £87,000 for the embassy house ; and in addition to this, during the last three years, we had paid £1,150 for altering and repairing the chapel. So at Constantinople the salaries were £11,340, but the extra were £8,269, the repairs £1,000, the wages £564, whilst the House had cost £86,615. Until he had carefully inspected these Estimates and examined those of past years, he had no idea of this large expenditure, and he thought that Her Majesty's Government were not doing their duty in permitting what appeared to him a very unnecessary and very extravagant drain upon the public purse.

MR. BLACKBURN said, he really must correct the hon. Gentleman's inaccuracy, for the robe of the Lord Lieutenant cost £18 and 7*d.* He must also complain of £287 for the translation of a French tariff, and £2,000 for a Commission to Erzeroum to settle differences out there between neighbouring Governments. This charge for that Commission had been going on for fifteen years, and yet the Commission had returned to this country ten years ago, and one of them, the Hon. Mr. Curzon, had written a very amusing book of his goings on there. Then there was £834 for researches in the neighbourhood of the Dead Sea for nitre—rather an out-of-the-way part of the world.

SIR JOHN TRELAWNY said, there was an item of £62 17*s.* 8*d.* for bringing home John Frost, after transporting him out of the country at the public expense. There was an item of £1,516 for the Islington Park, and an item of £4,000 for collars and badges for knights. He also objected to the charge for the police at Aldershot and other encampments. It appeared to him that the commander at a camp ought to be able to keep his troops in proper discipline without the aid of the civil force. Then he found the sum of £1,200 to be distributed among the Episcopalian clergy in Scotland—a vote which was open to many objections; but he would not detain the House upon that. Unless a party was formed in that House to keep down the expenditure, they would never produce an effect on the Government, and he feared the country would be thrown into financial difficulties. He could not but believe that more attention would be paid to these subjects in the House of Commons if the franchise was extended.

MR. W. WILLIAMS said, he wished to call attention to the very large sums remaining unexpended of balances of civil contingencies. Not less than £150,000 remained of the balances of former years, and this ought to be spent before any new money was voted. He found in page 5 an account of expenses incurred for presents to Dr. Kane and others of the American Arctic expedition. He did not, in the least, complain of that money being spent, but he thought the Government ought to take some notice of the spirited conduct of Mr. Peabody, a gentleman of great wealth and high position, who had contributed several thousand dollars towards the expedition for discovering the *Erebus* and *Terror*. He objected to the items of £6,145 for the Commission for settling the territory of the Cape of Good Hope, as he held that the colony ought to pay this expense.

MR. GREGORY said, he spoke from a knowledge of recent proceedings in the Bight of Benin, and consequently must complain of the Vote which had been made to a most unworthy person, King Pepple, who had been lately deposed from his kingdom in those regions. The liberated negroes in the Bight of Benin were preyed upon by the kings of those countries; but it was to the efforts of those free negroes that the increasing trade which was springing up between this country and the coast of Africa might be attributed.

MR. WILSON explained the items in the Vote. As to the balances, a statement was presented last year, showing the exact state of the accounts. There was a balance of £80,000 in hand, and that sum, £70,000, was afterwards repaid to the Exchequer. With regard to the presents voted to the officers in command of the expedition sent out to search for the *Erebus* and *Terror*, they were confined to those officers who were actually employed in the expedition. He was quite sure that Mr. Peabody, from his position, made contributions from higher principles than the expectation of any marks of approval from this country, but the Government would always feel the greatest gratitude towards those gentlemen, and especially Mr. Peabody, who assisted to fit out that expedition. With regard to the gratuities which had been referred to, it had been an immemorial custom to give £500 to the messenger who brought home a treaty of peace or the news of a great victory, and the custom had been followed in the instances of the fall of Sebastopol, the Treaty of Paris, and the Persian Treaty. With regard to the £2,000 given to the clerks in the Foreign Office, that was the only office to which no extra assistance was afforded during the whole time of the war. There was great pressure upon it, and he was sure the Committee would be of opinion that the Treasury only did what was right in complying with the earnest request of Lord Clarendon and distributing £2,000 among the whole of the clerks, irrespective of their grades. With regard to the charges for special missions, such as Lord Clarendon going to Paris and Earl Granville to Moscow, they were different from those voted the other night for special expenses connected with the embassies, the latter being for couriers, postages, and other extra charges of the current year. With regard to the cost of obtaining a translation of the French tariff, it was thought desirable that the Board of Trade should be in possession of all the different tariffs to meet returns ordered by the House, and to put hon. Members in possession of valuable information. With regard to the item of £1,200 for the Episcopalian clergy of Scotland, that sum was paid last year, and it was the last time the item would appear. With regard to the charges for police at Aldershot, Dovor, and Shorncliffe, where there were large numbers of troops congregated in camp there would be camp-followers, and the police were required, not to keep the soldiers, but to keep the camp-followers in order. The small charge for searching for coal was incurred at the time of the war, when it was thought important to discover new supplies of coal for our steamers. With regard to the charges for Orders of the Garter, it had often been remarked that it was a very mean thing to offer an honour to a military officer for distinguished service in the field, and at the same time expect him to pay £200 or £300 for fees. The Government had therefore come to a decision two years ago to distribute these honours gratuitously, and their decision had received the approval of the House in the last and preceding Sessions of Parliament. With regard to the charges for the passage of governors, they were made upon a regulated scale, and had long been defrayed by the country.

MR. BLACK wished to know the principle upon which grants to Ireland were increased and grants to Scotland withdrawn.

Mr. WILSON explained that the grant to the Irish Presbyterians was a very old one. It originated with the Irish Parliament, and had been voted ever since the Union. That to the Scotch Episcopalians was of recent origin. It was at first only occasional, and did not become regular until about fifteen years ago. Government felt, therefore, they could withdraw one, but not the other.

Mr. W. WILLIAMS said, no one would wish that distinguished naval and military officers should be called upon to pay fees when they received a well-merited honour; but he objected to having any fees at all paid to a set of idle, useless officers.

Sir JOHN TRELAWNY said, he should move the reduction of the Vote by £5,403 4*s.* 6*d.*, made up of the following items:—Expense incurred on account of police on duty at Dover and Shorncliffe, £542 13*s.*; the Commission for inquiry into the Government of Maynooth College, £1,200; fees paid to the Clerk of the Crown on the election of a temporal peer for Ireland, £46 3*s.* 1*d.*; for granting a pardon to J. Frost and others, £62 17*s.* 8*d.*: expenses incurred on account of intended park at Islington, £1,516 16*s.* 8*d.*; Episcopalian Church of Scotland, £1,200; and Mr. Poole, remuneration and expenses while engaged in researches for coal in Nicomedia, and for nitre on the shores of the Black Sea, £834 12*s.* 1*d.*

Motion made, and Question proposed, "That a sum, not exceeding £94,507 be granted to Her Majesty, to defray the Charge of Civil Contingencies, to the 31st day of March 1858.

The CHANCELLOR of the EXCHEQUER said, that perhaps the hon. Baronet was not aware that all these sums had been already paid. If the Amendment was carried, the only result would be that the sum at the disposal of Government for next year would be £95,000 instead of £100,000, but not one of these items would be affected.

Sir JOHN TRELAWNY thought that in that case their control of the public finances was a mere farce. He withdrew his Amendment.

Mr. WATKINS asked for an explanation of the sum charged for creating Lord Wensleydale a Peer.

The CHANCELLOR of the EXCHEQUER stated that Lord Wensleydale was, in the first instance, created a Peer for life, but it was afterwards found necessary to make him an hereditary Peer. He paid the fees for the first patent himself, but the Government thought that they ought to pay the expenses of the second.

Mr. ADAMS said, he considered the practice of giving a present of £500 to the messenger who brought a treaty to be most objectionable, and not at all applicable to the present day. He gave notice that whenever such an item appeared in the Estimates again he would move that it be disallowed.

Mr. WYLD said, he wished to ask whether any expedition to Africa were now in preparation?

Mr. WILSON said, that the last expedition of Dr. Barth to Central Africa had produced very remarkable results, and great benefits were likely to be derived from it both as regarded the interests of commerce and civilization, and therefore the Treasury had adopted the recommendation of Lord Clarendon, that successive expeditions should be sent out for four or five years, as he considered that it was only by following up the experiment in that manner that a way could be opened for private enterprise. Arrangements had been made to carry out his recommendation.

Mr. WYLD asked to what district the expeditions were to be directed?

Mr. WILSON replied, that the expeditions were now in preparation. One was to be directed to the north-east coast of Africa, and the other was to ascend the Niger.

Mr. MACARTNEY said, he must still complain of the item for a robe for the Lord Lieutenant of Ireland, as Grand Master of the Order of St. Patrick.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

The House resumed.

Resolutions to be reported *To-morrow.*

Committee to sit again on *Wednesday.*

FRAUDULENT TRUSTEES BILL.

REPORT.

On consideration of the Bill as amended.

Mr. HADFIELD moved to insert the following Clause after Clause 3, page 2, at the end of line 4:—

> "Any person entrusted with any property of any description for the purpose of performing, or causing to be performed, any work or labour upon, to, or in respect of the same, who shall fraudulently sell, transfer, pledge, dispose of, or convert, in point of law or of fact, to his own use or benefit such property, or any part thereof, shall be guilty of a misdemeanour."

He observed that the Bill as it stood was by no means clear, and if the hon. and learned Gentleman wished to render it so, he trusted he would accept the suggestion.

Clause *brought up*, and read 1°.

THE ATTORNEY GENERAL said, he should oppose the Motion, as a clause to the same effect had already been inserted.

Motion made and Question, "That the said Clause be now read 2°," put and *negatived.*

MR. BUTT said, he rose to move to omit Clause 10, which interfered with a principle that had hitherto been respected, namely, that no person should be obliged to answer any question the tendency of which was to criminate himself. Up to this moment that principle had never been departed from. There were but two Acts which appeared to be departures—namely, the act against bribery at elections, and the Bankrupt Act. In the former case, however, there was a distinct provision that no proceedings should ever be taken against the person for the matters in respect to which he should have been compelled to give evidence ; not that his evidence should not be used against him, but that no proceedings should ever be taken. In the second case also, that of the Bankrupt Act, it was provided that if he answered fairly and truly, no subsequent proceedings should be taken. It was true that the clause went on to provide that his evidence should not be used against him on any criminal proceeding, but he thought that provision was insufficient, as though the evidence could not be used, yet questions might be put with a view to obtain information that would enable parties to get up evidence against him. He did not say that the change ought not to be made, the innovation might be a wise and proper one, though he did not think so ; but he wished them to consider that they were reversing an old-established principle, and that they ought not to do so without due deliberation.

MR. HADFIELD seconded the Amendment.

MR. JOHN LOCKE said, he was at a loss to know how the clause as it stood altered the law with regard to a witness criminating himself.

MR. SERJEANT KINGLAKE said, the principle of the law was that a witness should not be involved in a predicament by any answers he gave on examination, or in other words, that any particular question he may have answered shall not be used against him. But it did not go on to provide that if a Trustee were compelled to disclose certain matters which would involve him in a criminal prosecution, he should be therefore held to be exempt from punishment. All he proposed to do was this—That a Trustee should be bound to answer faithfully and fully as to the management of the trust property, and that he should not, by reason of his being a trustee, take advantage of that position to commit a fraud. He wanted to carry out the great principle that a man should not set up his own wrong to enable him to escape from being punished.

THE ATTORNEY GENERAL said, the hon. and learned Gentleman (Mr. I. Butt) had mistaken the object of the clause. What he proposed was that a Trustee, being already bound by civil contract to answer faithfully and fully every question which might be put to him concerning the use which he had made of the property entrusted to him, when he had committed a crime by stealing some of that property, should not afterwards be allowed to set up his theft as a defence to a civil suit in which he was required to make a full discovery. The clause was intended to apply solely to proceedings in a court of equity.

Question, "That Clause 10 stand part of the Bill," put. and *agreed to.*

THE ATTORNEY GENERAL said, it would be in the recollection of the House that when the 20th Section was under consideration a good deal of discussion took place with regard to it, and the result was that it was postponed. The preceding clause declared that no prosecution should be proceeded with until the matter had been brought before a Judge of one of the Superior Courts, or the Attorney General, or the Solicitor General, &c. The Committee thought it might be desirable that the accused party should have a hearing previous to an indictment being preferred, and, in order to meet its view, he should propose the insertion of the following words : "But he "—that is the Judge—or the Attorney General, or the Solicitor General—" shall in every case give the party accused an opportunity of answering the charge, where the same can in his opinion be done with a due regard to the interests of justice."

Amendment *agreed to.* Bill to be read 3° on Thursday.

JUSTICES AND POLICE FORCE (DUBLIN) BILL.

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. GROGAN said, he hoped the right hon. Gentleman would not press the Bill at that late hour. When the Bill was last before the House, he represented to the Secretary for Ireland that it was a measure in which the people of Dublin were deeply interested, and it should not pass without giving them the fullest opportunity of considering its provisions. The Corporation of Dublin had stated by petition many objections to the Bill, and they complained that not even the heads of the Bill had been submitted to them previous to its introduction to Parliament. If the Bill was read a second time that night he did not think it could pass during the present Session, especially as he should consider it to be his duty to give it his most strenuous opposition. He begged to move as an Amendment that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months:"

Question proposed, "That the word 'now' stand part of the Question."

Mr. J. D. FITZGERALD said, that nineteen days had elapsed since the Bill was printed and distributed amongst hon. Members, so that the hon. and learned Gentleman could hardly say there was any surprise. In deference to the Corporation of Dublin he last year withdrew the Bill, and had since, after carefully examining their petition, and the speeches of those hon. Members who then opposed it, expunged from it every objection of which they complained. The hon. and learned Gentleman had not pointed out a single objection to the measure as it now stood, and which merely consolidated into one Act all that was really useful in the nine separate and conflicting Acts by which the Dublin police was at present regulated. It also proposed to do away with one of the three existing Police Offices, and thereby effect a saving of £4,000 a year, and to reduce the number of police magistrates from seven to five, increasing, however, on account of the extra labour thus imposed on them, the salaries of the remaining five from £600 to £800 per annum. There was, in the Bill, no provision for extending the power of the police, but the real wish of the Corporation of Dublin was to place the whole charge of the force upon the finances of the country, which already bore one half the cost, for they asked to have the Dublin police placed upon the same footing as the Irish constabulary, or else themselves to have the control of that body. ["Hear, hear," from Mr. Butt]. The hon. and learned Member for Youghal cheered that proposal, but was he willing that, in return for being entrusted with such control, the ratepayers of Dublin should bear the whole cost of their own police? The Bill merely consolidated the law, and was in all respects a very beneficial Act, enabling the meanest capacity to understand what the police law of Dublin was by reducing a very complicated law into the provisions of one Bill. He certainly should press the Bill to a second reading.

Mr. BUTT thought that, if the Government had the management of the police, they ought to pay all the expenses attendant thereupon, though if he were a citizen of Dublin he should be willing to pay any extra expense to have the control of that force, for at present the inhabitants of that city were subject to much vexatious tyranny at their hands. There was a case in Dublin of a man being dragged off by a police-constable for using obscene language, and when the constable was asked what the language was, he replied that the man had actually "d—d the police." There were most objectionable powers re-enacted in the Bill, and one of them was with regard to obscene language. He should oppose the second reading of the Bill.

Lord CLAUD HAMILTON denied that the Attorney General had any authority for stating that the Bill was similar to the Bill of last year, except that the objectionable clauses had been struck out. The Amendments of the Attorney General had not removed all the objections to the Bill. The Attorney General had not, as he should have done, consulted those who last year made the objections to the Bill. The Attorney General, before he brought in a Bill affecting the municipal laws of Dublin, ought to have given full notice. It appeared, however, that the authorities of the city of Dublin had been taken quite by surprise by the present Bill.

Mr. VANCE said, it was his intention of giving the strongest possible opposition to the Bill in all its future stages. The Bill had been referred to a committee of the Corporation in Dublin, and they had not had time to report. The members of the corporation had urged him and his colleague to take every possible step to arrest the further progress of the Bill. He would suggest, however, whether it would not be better to bring the Bill in next Session, and then refer it to a Select Committee, or at all events to refer it to a Committee during the present Session.

Mr. H. A. HERBERT said, the Bill had been printed nineteen days, and had been before the House during the whole of that time. Not one single substantial objection had been made to the Bill. Under the circumstances he hoped the House would consent to the second reading. His hon. and learned Friend would be prepared to entertain any suggestions before it went into Committee.

Captain D. O'CONNELL said, there was the strongest objection among the people of Dublin to an increase of power being invested in the commissioners of police in that city.

Question put.

The House *divided* :—Ayes 155; Noes 19: Majority 136.

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *To-morrow.*

PUBLIC OFFICES EXTENSION BILL.

COMMITTEE.

Order for Committee read.

Clause 1.

Sir BENJAMIN HALL said, that the Bill empowered Government to purchase certain properties required for the extension of the Public Offices.

Clause 1 to 39 were *agreed to.*

On Clause 40,

Mr. MACARTNEY said, he hoped that the right hon. Baronet would give the House some approximate notion as to the amount of money that would be required. With wars in Persia and China on our hands, he thought the House should know the amount of the demand that was likely to be made on it.

Sir BENJAMIN HALL said, that the Government were only proposing to carry out a portion of the recommendations of the Select Committee of last Session on public offices. The amount which the Government intended to ask to enable them to purchase the site of the new offices was £270,000; but the present Bill contained no money clauses, but only such as were requisite to empower the Public Works Commissioners to purchase the land. Should the House of Commons grant the money for that purpose, and the third reading of the Bill should not be taken until after the vote for money which would appear in Class No. 7 of the Civil Service Estimates,

The remaining Clauses were *agreed to,* and the Bill passed through Committee.

On the Bill being *reported,* without Amendments,

Sir JOHN TRELAWNY said, he would give the right hon. Baronet notice that, although this Bill had gone through Committee at a railroad pace, the country would never sanction the enormous scheme of building which it contemplated. Bricks and mortar too often led to bread and water, and he for one would rather see great men in little offices than little men in great offices. He warned the House that unless they kept a sharp eye on this matter of the public offices, the country would be involved in an expenditure of £5,000,000 before they knew where they were. The present Parliament were supposed to be more jealous custodians of the public purse than the last, and he certainly should oppose any such extravagant plan as he believed to be in contemplation.

The CHANCELLOR of the EXCHEQUER said, that if the House did not agree to the Vote, the Bill would fall to the ground. The Government had no large scheme of building in contemplation; they merely intended to build a new Foreign Office, a new Colonial Office, and a new War Department. Any one who saw the Foriegn Office must admit that a new building was necessary; and with respect to the War Department, its business was now carried on in various buildings, and to remove it to one edifice was a measure not only of metropolitan improvement but of administrative.

Mr. BERESFORD HOPE observed, that he thought that the best thing Government could do under this Bill would be to adopt the plan he had suggested.

Mr. PEASE said, he did not think they had done their duty to their constituents by passing such a Bill through Committee at such an hour of the night.

Bill to be read 3° on *Friday.*

MUNICIPAL CORPORATIONS BILL.

Order for Consideration, as amended, read.

MR. COWAN then moved that the House adjourn. They would have to meet early the next day, and it would neither be fair to Mr. Speaker nor to their own constitutions to sit longer at present.

MR. ADDERLEY, who had a Bill on the Orders of the Day (the Industrial Schools Bill), expressed a hope that the hon. Member would not persist in his Motion.

Motion made, and Question, "That this House do now adjourn," put, and *agreed to.*

House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, July 14, 1857.

MINUTES.] PUBLIC BILLS.—2° Representative Peers (Ireland); Joint-Stock Companies; Registration of Long Leases (Scotland).

MILITARY EDUCATION—QUESTION.

THE EARL OF HARDWICKE asked the noble Lord the Secretary at War, whether Her Majesty's Government had definitively settled the plan of education for young officers entering the army, and, if so, what was the plan in all its details.

LORD PANMURE: The question which my noble Friend has put to me, would require a very long explanation from me, if I entered into details; but I am happy to inform him—of what I dare say he is aware—that the education of officers of the army is (of course under the responsibility of the Secretary at War) placed in the hands of the Commander in Chief. The Commander in Chief is president of a council which consists of three members besides himself—one of whom is a general officer of great learning as well as military acquirements; another, is an eminent officer of Engineers; and the third, is an officer who has on many occasions distinguished himself. This council has made to me its first Report, which addresses itself to the point to which my noble Friend has referred — namely, the education of candidates for the military service. I have expressed my concurrence in that Report. It has been submitted to Her Majesty for approval, and as soon as that approval has been expressed, I will lay it on the table of your Lordships' House, in which case all persons will be made fully aware of the details of the plan.

In reply to a further question from the noble Earl,

LORD PANMURE said, it was not intended to continue Woolwich and Sandhurst exactly in their present condition. It was intended to amend them both, so that officers might obtain commissions in the Artillery and Engineers, as well as in the line, from them.

THE INDIAN MUTINY.

EARL GRANVILLE, in presenting (by command) correspondence between the Indian Government and the Court of Directors said, that since last night Her Majesty's Government had received some further intelligence on this subject, which, with their Lordships' leave, he would read. [The noble Earl accordingly read a series of despatches, addressed from various places to the Government officers at Bombay].

JOINT-STOCK COMPANIES BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE LORD CHANCELLOR, in moving the second reading of the Bill, said, that the object of the measure which had been sent up from the other House of Parliament was substantially to give to creditors of joint-stock banks that became insolvent the same relief as they would have against an ordinary bank when it became bankrupt. The law at present was in an anomalous condition with regard to these banks. If a joint-stock bank became insolvent, a shareholder might obtain a winding-up order, and the Master in Chancery, or the Chief Clerk of the Vice Chancellor, whose duty it was to wind up these affairs, had the power of making calls on all the shareholders in order to raise a fund to pay the creditors; but that was a proceeding to which the creditors were not parties; it was a mere proceeding of the shareholders *inter se.* The object of the present Bill was, as far as possible, to remedy this defect, to give to the creditors the power of taking care that in making the calls proper steps might be taken to seize the whole of the property of the shareholders if need be, in order to raise a sufficient sum out of which the creditors might be paid in full. For this purpose it provided, in the first section, that the creditors might summon a meeting, and, if two-thirds in value thought fit, they might appoint a person to represent them in the matter of winding up the concerns of the company. If the company had become bankrupt, then there was no necessity for the choice of a representative, because the assignee in bankruptcy would perform those functions. The second section provided, that where a company had become bankrupt, and there had been a winding-up order, the assignee might proceed with it. Then there was a provision which gave to the representative the power to make any compromise, whether for the discharge of the liability of all the shareholders or of any one of them, and if the compromise were approved by a Judge, it should be valid and binding. Then there was a further provision of great importance. By the law as it at present stood, any creditor of a joint-stock bank, when he recovered judgment against the public officer of a bank, had a right to take out execution against any of the existing members of the corporation, and if he were able to show that he had exhausted the resources of all those members in seeking to obtain satisfaction of his claim, then he might proceed against parties who were not existing members, but who had been so within the limit of three years. Practically this last had been found to be a delusive remedy, because it was a remedy only on the creditor being able to satisfy the Court that he had exhausted all reasonable means to obtain payment from all the existing members, and in a large joint-stock banking company that was almost an impossibility. In order to remedy this inconvenience, the Bill provided that where there had been a compromise entered into, such as he had already referred to, that was to be deemed proof that all reasonable steps had been taken to obtain payment from the existing shareholders. These creditors would therefore obtain a *locus standi*, whereby they would be in a position to enforce their rights against those shareholders who had ceased to be members of the company within three years. There was another provision to prevent the shareholder of an insolvent joint-stock bank from going out of the country without giving security for the repayment of the debt or of his share of the fund to be contributed. In the course of the last year or two there had been two memorable failures of joint-stock banks which had caused great disaster, and been the ruin of a great many honest and industrious depositors. The position the creditors of these banks was placed in was this:—they had the right to bring an action against the public officer of the bank, or in the case of a winding-up order, against the official assignee, and having recovered in the action, they might by *scire facias* get execution against any of the shareholders, and if that did not satisfy them, against another; and therefore, all the creditors who resorted to these steps might take any number of proceedings, and run a sort of race against each other as to who should obtain payment first. Now, it was said that the effect of the measure would be to do an injustice to those creditors who might have obtained a judgment by placing them upon a level with all the other creditors; but that was a charge which, in his opinion, the whole tenour of recent legislation, in relation to similar questions, tended to disprove. The Bill would have the effect of enabling two-thirds of the creditors to bind the remaining third to submit to a rateable share; but, at the same time, it was provided that the sanction of a Judge or master should be necessary to every compromise, in order to secure creditors against any injustice which might be done them. The Bill was, in point of fact, very similar to the one which had obtained their Lordships' sanction last year, and, although it might be said that at present there was a larger number of creditors who had obtained judgments at that time, he had already endeavoured to point out that no material injustice would be done to them.

Moved, That the Bill be now read 2^a.

LORD MONTEAGLE said, that a noble Friend of his (the Earl of Donoughmore) had placed upon the paper a notice of his intention to move that certain persons who had petitioned their Lordships against the Bill be heard against it by counsel. The petitioners complained that the Bill would operate very unjustly towards judgment creditors in Ireland, because it would destroy the advantage which attached to a judgment in Ireland, where it operated as a mortgage on the debtor's property. He himself would not express any opinion upon the subject of that petition, but, as his noble Friend was unable to be present that evening, he hoped that the noble and learned Lord would not consider that he was stopped from making that Motion at a future stage of the Bill.

The LORD CHANCELLOR said, that he could not hold out any notion that he could concur in the prayer of the petition; but at the same time the noble Lord would not be prevented making his Motion at a subsequent period.

LORD ST. LEONARDS said, he wished to point out to their Lordships the position of the creditors of the Tipperary Bank. These creditors believed that under an Act of *Geo.* II. they were entitled to lay hold of the whole of the real and personal estate of the bank shareholders, and they took measures to give them what they considered to be their rights. After very long arguments, however, at their Lordships' Bar, it was considered that they had no rights of the sort, for the Act of *Geo.* II. was repealed by an Act of the 6th of *Geo.* IV., which gave the creditors certain remedies against the shareholders of joint-stock banks, and did not enable them to take all the property. The law of England was quite clear. Not only might the shareholders themselves resolve to wind up the company, but the creditors might issue a fiat in bankruptcy against the shareholders. In Ireland it was otherwise; there they could not make them bankrupts. He (Lord St. Leonards) had certainly come to a different opinion; but since great doubt existed on the point, and it was the duty of the Government to remove that doubt, and to give the creditors in Ireland the same rights as they had in England, he hoped their Lordships would take care in arranging for a compromise that they did not destroy the security which certain creditors were already in possession of by virtue of the judgments which they had recovered. It would be a great injustice to take away from them a security which in law amounted to a mortgage.

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the whole House on *Thursday* next.

THE TRANSPORT SERVICE.

OBSERVATIONS.

THE EARL OF HARDWICKE: My Lords, I rise pursuant to notice, to call your Lordships' attention to the subject of hiring tonnage for the transport service of Government. The matter is one of considerable importance, and one, in my opinion, well worthy of the consideration of my noble Friends opposite. During the late war, the money expended in carrying troops amounted to no less than £5,000,000 in one year, and in the year previous to £3,000,000. I took occasion at that time to notice the immense expenditure in the conveyance of munitions of war; and I ventured to criticise the mode in which the tonnage was taken up. I will not now go into the question of tonnage; for I admit that the authorities who govern the country, and manage these matters, have no guide whatever as to the hiring of tonnage, so as to know what they really hire for the use of the State. They are almost completely in the hands of the owners of shipping who use terms of tonnage that do not give you the slightest notion of the carrying power. This question grows larger and larger the more you employ steam vessels; because, when these vessels have their machinery and coals on board, so much of their tonnage is occupied that, though they look very imposing, and seem to have great carrying powers, they have in many instances failed to efficiently carry out their contracts. The number of transports hired during the late war was 118. They were hired indiscriminately as to tonnage in this respect—that sometimes they were hired on their registered tonnage, and sometimes on their gross tonnage. The consequence of this confusion was, that the public paid enormously for the transport service to the country. It can readily be shown that, when the Government came to hire by gross tonnage, they paid at least one-third more than when they hired by registered tonnage, and gained no advantage whatever. Two returns laid upon the table of the House of Commons on the 8th July and the 8th August, 1856, respectively, are most important as going to elucidate the case now before your Lordships. Of the 118 transports hired for the conveyance of troops, twenty-four were hired by gross tonnage. The names of these twenty-four were—*Magdalena, Golden Fleece, Arabia, Jura, Alma, Nubia, Tamar, Medway, Thames, Trent, Europa, Niagara, Queen of the South, Emeu, Andes, Cambria, Tynemouth, Emperor, Robert Lowe, Tonning, Cormorant, Albatros, Sovereign, and Hope.* The gross tonnage of these twenty-four vessels was 39,806 tons. I shall now take twenty-four of the vessels hired by registered tonnage, the gross tonnage of which amounted to 41,517 tons. The names of the twenty-four vessels which I select from those hired by registered tonnage are—*Great Britain*, *Orinoco*, *Jason*, *Simla*, *Candia*, *Ripon*, *Severn*, *Victoria*, *Hydaspes*, *Adelaide*, *Argo*, *Imperador*, *Canadian*, *Imperatrice*, *Cleopatra*, *Melbourne*, *Alps*, *Australian*, *Sydney*, *Charity*, *City of London*, *Lion*, *Telegraph*, and *Kangaroo*. The hire per month for the first class of vessels —namely, those hired by the gross tonnage—was £92,588; while the hire per month of the twenty-four hired by registered tonnage was £63,765. The rate of hire per gross ton per month of the twenty-four hired by registered tonnage was £1 10*s.* 8½*d.* Now, take 39,806 tons, the gross tonnage of the twenty-four hired by gross tonnage, and at £1 10*s.* 8½*d.* per gross ton, the entire amount for hire would only stand at £61,118, instead of what it does really amount to on the gross tonnage hiring—namely, £92,588. This shows a loss per month on the hiring of the first twenty-four ships whose names I have read to your Lordships of £31,470. I think I have said enough to show that there must have been very great ignorance as to the mode of taking up tonnage; for, unquestionably, if there had been a thorough understanding as to the manner in which transports should be hired, Government would never have made this monstrous blunder. That is the whole of my case, and it is important that these matters should be considered carefully, when we are entering on another—I will not call it war — but difficulty, and when a great amount of tonnage must be taken up. I am not desirous of eliciting any answer from my noble Friend, but the matter is one which should not at the present juncture be passed over.

Lord STANLEY of ALDERLEY hoped the noble Earl would excuse him for not being able to give him any information upon the subjects to which he had referred, as they did not belong to the department with which he was connected. The Admiralty had the sole control of the transport service, and without making inquiries at the Admiralty, it was impossible for him to give any information to the noble Earl on the various points on which the noble Earl had touched.

The Earl of ELLENBOROUGH said, he had expressed his opinion on a former occasion that it was possible, particularly at this season of the year, to make a better passage to India in a sailing vessel than in a steamer—at least, his experience was to that effect; but he hoped that those who had the engaging of the sailing transports would pay particular attention to their sailing qualities, because, unless good sailers were selected, fast passages could not be expected. He had seen with regret the names of a number of vessels mentioned as being engaged for the transport of troops to India which were notorious as bad sailers when he was in India, fifteen years ago. He had heard yesterday the name of one vessel which was celebrated for only being able to go four knots an hour. It might be that the vessels themselves had been repaired and were now good sailers; but he hoped the attention of the Government would be earnestly directed to the imperative necessity of choosing none but good vessels for this service.

Lord PANMURE said, he had had an interview with the Chairman of the East India Company, who had assured him that the vessels engaged for the conveyance of troops were vessels generally known by the name of clippers, and were fast sailers. He was not prepared to speak as to the comparative value of sailing vessels and steamers; but in deference to the feelings of families in India, the Government had determined to give a trial to steamers, and five screws had been taken up for the conveyance of troops to that country.

The Duke of NEWCASTLE said, he was a little alarmed at the appearance of a divided authority and the consultation of new departments which was suggested by his noble Friend's mention of a conversation with the Chairman of the Board of Directors. He hoped that the entire direction of the transport service during the present emurgency would be left with the Minister of War. That this ought always to be the case in time of war was an opinion which had been expressed from the commencement of the Russian war, and which he had stated before the Sebastopol Committee. Although, during the time that he had held the office of Secretary of War, the transport department had been under the direction of one of the ablest administrators in the country, Sir James Graham, assisted by Captain Milne, a distinguished naval officer and most indefatigable in the discharge of his duty, the conviction had been forced upon him that the transport service, during the time of war at least, ought always to be under the sole control of the Minister of War.

The Earl of ELLENBOROUGH said, he thought he could explain to the noble Duke how it was that the Chairman of the East India Company was mixed up with this matter. The East India Company paid the expense of the transport of troops to India, the Crown paying the expense of the transport of troops going to China. Notice was given of the number of troops required, and then the East India Company, under the control of the Board of Control, took up the requisite tonnage. The contracts were all laid before the Board of Control.

Lord PANMURE: That has been the practice time out of mind.

Subject dropped.

THE INDIA MAILS—QUESTION.

The Earl of HARDWICKE said, he wished to put a question to the Postmaster General, as to whether any arrangements had been made for expediting the India mails through France. In consequence of the existing state of circumstances, the conveyance of the India mails was a matter of great importance. At present, however, a delay took place in France, which might, and he believed would, be obviated if the subject were brought under the notice of the Emperor, whose kind feelings towards this country were known. The homeward Indian mails now generally arrived at Marseilles either in the middle of the night or early in the morning. The mail bags were then conveyed to the French Post Office and lodged there. Of the magnitude of the mail, some idea might be formed when he stated that, in consequence of the vast increase of the French trade with the East, in one instance lately the French portion of the mail consisted of 118 boxes. Then, having been lodged in the Post Office, the French authorities first sorted their own letters, and until they had done that they would not allow our letters to proceed. The consequence was, that our mails were delayed at Marseilles from twelve to twenty-four hours. Now nothing could be more easy than to have the English mails, on the arrival of the steamer at Marseilles, conveyed direct to the railway station, and then despatched at once. A special train might either be put on by the railway company, or, if they did not think that the conveyance of the passengers and mails would pay its expense, we might ourselves, at our own expense, put on a special train, which should proceed direct to the port of embarkation on the Channel. By this means he thought that from eighteen to twenty-four hours might be saved in the conveyance of the mail, which was a matter of very great importance at the present time.

The Duke of ARGYLL said, he had taken some pains to inform himself of the exact state of the facts relating to this matter, and he was happy to say that his noble Friend had considerably overrated the delay that had taken place in any one instance. During the last six months, there had been thirteen overland mails, and only in one case, on the 27th January last, had there been a delay of more than twelve hours. Representations had been made to the French Government, and in February new arrangements were made for forwarding the overland mail. There were two mail trains despatched from Marseilles to Paris each day, one in the morning and the other in the evening, and if our mails did not arrive in time for the departure of these trains, we had no right to demand that the French Government should put on fresh ones for our convenience. We had a right to demand that they should forward our mails by the first train after their arrival, but nothing more. However, the French Government had very kindly and considerately made an arrangement by which, if our mail bag arrived at Marseilles within two hours of the departure of the morning mail, and provided it was not beyond noon, they would forward it by an express train, and should that train not overtake the mail at Lyons, they agreed to send it on all the way to Paris. If, however, the mail bag arrived after the departure of the night train, it was thought in that case to be unsafe to send it forward by express, on account of the traffic. He could assure the noble Earl that every effort was made by the Post Office Department to facilitate the communication between this country and India, and that no time was lost in conveying the correspondence all over the country. As a proof of this, he might state that last night the India mail arrived about eleven o'clock, and that no fewer than 20,000 letters were distributed by the first delivery in London, and sent off by the first trains to all parts of the kingdom.

House adjourned at Seven o'clock to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, July 14, 1857.

GRAND JURIES (METROPOLITAN POLICE-DISTRICT BILL)—COMMITTEE.

Order for Committee read.

House in Committee.

Question again proposed, "That Clause 1 stand part of the Bill."

MR. BOWYER said, he rose to move, as an Amendment, that the Chairman do now leave the Chair. This was a Bill which meant nothing more nor less than to abrogate a part of the British constitution. And what grounds were assigned for so important a step? A good deal had been said about the inconveniences arising from the present system; and on these grounds of inconvenience alone the institution of grand juries in the most important part of this country was to be abolished. No suggestion was made of any means by which this inconvenience might be obviated; it was proposed not to amend but to abolish and destroy. He was much surprised that such a Bill should come from the Conservative side of the House, which professed uncommon respect for, and devotion to, our antient institutions. No doubt the hon. and learned Gentleman who had charge of the Bill (Sir F. Thesiger) was actuated by the purest motives in bringing it forward, but he (Mr. Bowyer) could not help thinking that he now somewhat regretted the task he had undertaken. There were not wanting indications in the past history of this question to show that the agitation against grand juries in the metropolis arose simply from the unwillingness of persons engaged in trade and other occupations to serve on them. Attempts had been made on previous occasions to introduce a Bill of this description; and it was not long since the late Solicitor General, then Recorder of London, had proposed a measure with the same object in view, which passed that House rather rapidly, but which was rejected by the other House, being received with reprobation by all the law Lords, and being especially condemned by the Chief Justice of England, who denounced it as an attack upon the constitution of the country. He might be told that this Bill applied only to London; but if grand juries were abolished here, he did not see how it would be possible to maintain them elsewhere. It was letting in the small end of the wedge. Indeed, he was not quite sure it was not letting in the large end too. He would, with the permission of the Committee, now proceed to advert to what the law was upon this subject, and to urge upon their attention the violation which such a change must make in one of the most valued principles of our constitutional system. To put a man on his trial without the intervention of a grand jury was against the whole policy of our constitutional history and against the law of England. Certainly, the Attorney General had the power of filing an information for misdemeanours without the intervention of a grand jury, and the Court of Queen's Bench possessed a similar power, but these very exceptions showed the principle on which the rule itself was founded. For the law allowed criminal informations to be filed, only in cases of misdemeanour, and no one could therefore be put on his trial for felony except on an indictment found by a grand jury, or on the inquest of a coroner's jury. And, indeed, it was customary, even after a verdict of a coroner's jury, to prefer a Bill before the grand jury, and put the prisoner on his trial on the indictment. And in cases of misdemeanour, the law would not allow any man to be tried without indictment found by a grand jury, unless with the sanction of the highest Criminal Court in the realm next to the House of Lords, or by the act of the highest law officer of the Crown responsible to Parliament. Such is the constitutional principle of the law of England. Yet this principle was sought to be abrogated for the convenience of a few persons. Blackstone, in the fourth volume of his *Commentaries*, p. 349, quoted the famous passage of Magna Charta, which says—

> "Nullus liber homo capiatur vel imprisonetur aut exulet aut aliquo alio modo destruatur nisi per legale judicium partium suorum vel per legem terræ."

Blackstone then proceeded to say—

> "The antiquity and excellence of this trial for the settling of civil property has elsewhere been explained at large. And it will hold much stronger in criminal cases, since in the times of difficulty and danger more is to be apprehended from the violence and partiality of Judges appointed by the Crown in suits between the king and the subject, than in disputes between one individual and another to settle the metes and boundaries of private property. Our law has, therefore, wisely placed this strong and twofold barrier of a presentment and a trial by jury between the liberties of the people and the prerogative of the Crown. It was necessary for preserving the admirable balance of our constitution to vest the executive power of the laws in the prince; and yet this power might be dangerous and destructive to that very constitution, if executed

without check or control by justices of *oyer* and *terminer* occasionally named by the Crown, who might then, as in France or Turkey, imprison, despatch, or exile any man that was obnoxious to the Government by an instant declaration that such is their will and pleasure. Bût the founders of the English law have, with excellent forecast, contrived that no man should be called to answer to the King for any capital crime, unless upon the preparatory accusation of twelve or more of his fellow-subjects—the grand jury—and that the truth of every accusation, whether preferred in the shape of indictment, information, or appeal, should afterwards be confirmed by the unanimous suffrage of twelve of his equals and neighbours, indifferently chosen and superior to all suspicion. So that the liberties of England cannot but subsist so long as this *palladium* remains sacred and inviolate not only from all open attacks (which none will be so hardy as to make) but also from all secret machinations which may sap and undermine it, by introducing new and arbitrary methods of trial by justices of the peace, commissioners of the revenue, and courts of conscience. And, however convenient these may appear at first (as doubtless all arbitrary powers well executed are the most convenient), yet let it be again remembered that delays and little inconveniences in the forms of justice are the price that all free nations must pay for their liberty in more substantial matters; that these inroads upon this sacred bulwark of the nation are fundamentally opposite to the spirit of our constitution; and that, though begun in trifles, the precedent may gradually increase and spread to the utter disuse of juries in questions of the most momentous concern."

Could the House entertain the slightest doubt as to the course which Blackstone would take were he now a member of that body. He (Mr. Bowyer) would admit that there were inconveniences incidental to the present system, but he believed they might be all obviated without trenching upon the liberties of the subject in the way this Bill proposed to do. For instance, he was aware that cases sometimes occurred in which indictments were preferred against persons behind their backs, and in which bench warrants were issued before they knew that they were accused. No doubt that was a great inconvenience; but it might be easily avoided by providing that no indictment should be sent before a grand jury without previous notice being given to the accused person, or without proceedings having been taken publicly in the first instance before a magistrate. Another inconvenience of the present system was that sometimes witnesses were bought off and were prevented appearing before the grand jury, or that, having gone before the grand jury, they neglected to make their appearance at the trial. This might be effectually remedied, however, if proceedings in the first place were taken before a magistrate, by binding over the witnesses to appear both before the grand jury and at the trial. The real difficulty in the way of administering criminal justice in this country arose from the want of a public prosecutor, and this was a difficulty which did not arise in Scotland or Ireland, as in the former there was the Lord Advocate, and in the latter there was the Crown Solicitor. In short, all the existing evils were susceptible of an easy remedy, without resorting to the extreme remedy of abolishing grand juries. If grand juries were abolished in London the thing must go further. Grand juries in the country would be soon done away with, for the argument would be speedily urged, if grand juries have been abolished in London, why should they continue to exist in the country. The institution of grand juries brought into the administration of justice many persons who would not otherwise be brought in, which was a great feature in a free country. Though it might be an inconvenience to tradespeople to attend on grand juries in London, still it was most important that those classes should take a part in the administration of justice. If the present Bill passed, instead of the people having in their hands the important function of accusation by means of presentment, what duty would pass into the hands of magistrates, removable at the pleasure of the Crown—practically of the Home Secretary. The exception of cases of treason and misprision of treason made in the Bill, showed how much the hon. and learned Gentleman felt the force of this objection. But the hon. and learned Gentleman had not provided for cases which might have a political complexion, and in troubled times be no less important in a national point of view; and such cases were more likely to arise in London than in any other place. The importance of this Bill could scarcely be exaggerated, and involved the most grave constitutional considerations. It appeared to him to be fraught with so much danger and evil that he could not consent to its proceeding further. He, therefore, moved that the Chairman do now leave the chair, with a view to preventing the further progress of this measure; as he believed that if it stood over till next Session his hon. and learned Friend would in the interval apply his great ability to the task, not of abolishing grand juries, but of ascertaining how any inconveniences resulting from them might be obviated.

SIR FREDERIC THESIGER said, he thought he had some reason to complain of the course pursued by his hon. and learned Friend. When he asked leave to introduce the Bill, he heard nothing urged against its principle, except some desultory observations from the hon. and learned Member for Dundalk (Mr. Bowyer). Ample notice was given of the second reading, and the Bill passed without opposition until the night when it was appointed for Committee, on which occasion the hon. and learned Member for the Tower Hamlets (Mr. Ayrton) merely stated that he had some Amendments to move; while the hon. and learned Member for Dundalk, even at that time, gave no notice of any objection which would go to the principle of the Bill. He thought it inconvenient, and he might almost say unfair, to the House and to the introducer of a Bill of this kind, that no intimation should be given, until the present late stage, of an opposition to the principle of the measure. With regard to the observations of his hon. and learned Friend, he (Sir F. Thesiger) did not in the slightest degree regret having introduced the Bill; he should, indeed, regret it if it failed, as it was solely from a knowledge of the existing inconveniences and not through any pressure from other parties, that he had done so. He had adopted this course, too, after communication with the Government, who had kindly left the matter in his hands. His hon. and learned Friend had assailed the measure on the ground of principle, quoted Blackstone and other ancient names to raise a prejudice against it, and finally characterised it as a violation of the British constitution; but he (Sir F. Thesiger) could refer to more important institutions than this which had been broken in upon by legislation. In the County Courts, for instance, a single Judge decided on the interests of parties without the intervention of a jury. Now, he thought that Blackstone, if he were living, would be of opinion that that was a greater inroad on the constitution than the proposition now made. His hon. and learned Friend had referred to the danger of the present measure leading to an interference with grand juries in the country. Now, when he brought in the Bill, he had expressly guarded himself against the supposition that the measure had any such object, for he thought it was of importance that the country gentlemen should take a part in judicial proceedings, and be connected with the Judges in the administration of criminal jurisprudence. He thought, however, with regard to the Metropolitan police districts, that there were special reasons in favour of the adoption of his Bill. His hon. and learned Friend had not made himself master of his subject, for if he had read the evidence given by witnesses of great experience before the Commissioners for the Amendment of the Criminal Law, he would have found the highest names recommending that, within the metropolitan districts at least, grand juries should be dispensed with, and that a Committee of that House, composed of persons of great legal knowledge and experience, had also urged the adoption of that course in all cases where preliminary inquiries had taken place before police magistrates. The grand juries at the Central Criminal Court and at the Middlesex Sessions had been in the habit of presenting themselves session after session as not only unnecessary, but a positive obstruction to justice; while Recorder after Recorder, and Judge after Judge, had strongly expressed their opinions that grand juries might properly be dispensed with in the metropolitan police districts. The late Recorder of London, in 1852, declared in the strongest manner his opinion that grand juries were positively an impediment to the administration of justice; the grand jury at the same time made a presentment to a similar effect; and, as Attorney General under Lord Derby's Administration, he (Sir F. Thesiger) introduced a Bill for the abolition of grand juries within the metropolitan districts, which he believed would have been carried but for the dissolution of Parliament. He considered that grand juries might safely and properly be dispensed with in the metropolitan districts, where, by means of the stipendiary magistrates—who were carefully selected from the Members of the legal profession—preliminary investigations might be instituted which would be full and searching, at the same time that the interests of the accused were sufficiently protected. Such inquiries were conducted publicly, the parties charged being confronted with their accusers and their witnesses, whom they had an opportunity of cross-examining. After the case had been attended with all this publicity, which alone was a sufficient protection to the accused, for it brought the circumstances as much home to the knowledge of every person in the kingdom as if he had been present in court, the magistrate, if he saw sufficient reason, committed the accused for trial. But before a trial could take place a new tribunal of persons, sitting in a secret chamber, hearing witnesses in the absence of the accused, desultorily assembled for the purpose of deciding as to whether there should be an inquiry, which had already been decided under more favourable circumstances by the magistrate. The case was, therefore, a peculiar case, as applicable to the metropolitan police district, and did not affect any other portion of the country. If the grand jury sent the case for trial, they only endorsed the decision of the magistrate; but if, on the contrary, with their imperfect means, under any circumstances, they should throw out the bill of indictment, the greatest public evil would be done, for in that case the grand jury became an obstruction to justice. The grand jury in the metropolitan district was known as the "Hope of the London Thieves." But supposing the bill thrown out—the bill of indictment after the decision of the magistrates—would the accused party under all the circumstances of publicity be any better because he did not go to trial, more especially if he could clear his character? The public were acquainted with the accusation; they knew it was the opinion of a magistrate that the accused ought to be put upon his trial; but they could not be aware of the reasons which had induced the grand jury to ignore the bill. Whether, therefore, the grand jury found or ignored a bill, their action was supererogatory and frequently mischievous. Another strong objection to the continuance of grand juries in the metropolitan districts arose from the circumstances that persons were enabled to prefer bills without any notice to the accused parties, to obtain bench warrants for their apprehension, and to use this legal machinery for purposes of malice or extortion; and these instances were unfortunately not very rare. He trusted, then, that the principle of this Bill having been already recognised by the House, hon. Members would consider that he had answered the objections of his hon. and learned Friend, and the more especially as this was not the stage when there ought to be any interposition to stop the further progress of the measure.

Mr. AYRTON said, the Session was remarkable for the number of Bills passed through their earlier stages *sub silentio*, on condition that their principles were to be discussed at a subsequent and unusual period. Therefore it was, that the hon. and learned Member had been allowed to pass his Bill to its present stage, the second reading having taken place at a late hour, and during the confusion of hon. Members leaving the House. He (Mr. Ayrton) endeavoured to prevent the hon. and learned Member pushing the Bill subsequently through another stage at the unseemly hour of 2 o'clock in the morning, and succeeded by hon. Members declining to be parties to such a proceeding, and quitting the House so as to reduce it below the proper number for carrying on business. The hon. and learned Gentleman (Sir F. Thesiger) had, therefore, rendered it incumbent on his hon. and learned Friend (Mr. Bowyer) to take the course he had done. He (Mr. Ayrton) entirely objected to the proposition for abolishing grand juries within the metropolis. There was no institution in the country, which they could not show to have some defects, either in its origin, nature, or practical application, and if that was to be the ground on which destruction was to proceed, he knew no institution which could stand the test of such a scrutiny. He would beg to ask, what was the distinctive feature of the administration of justice in this country as compared with that of almost all others? In France, and indeed throughout the rest of Europe, the administration of criminal justice depended solely on the Crown; while, in this country, the administration of justice was a mixed operation between the Crown, the aristocracy, and the people. The latter were represented by petit juries, the aristocracy by grand juries, while the Crown presented itself in the person of the Judge. Some supposed that our mixed system of Government of Sovereign, Lords, and Commons, depended entirely on Parliament, but it had a broader basis in all the institutions of the country, of which the most important was the administration of justice; and it was to this system that we were indebted for the maintenance of liberty. He insisted that if we changed this system, and if in the metropolis the wealthy and intelligent classes were no longer to take part, as now, in the administration of justice, we should destroy one of its principal features. The grand-jury system, he would submit, did most essential service in guarding the liberty of the subject, and he must ridicule the idea that a stipendiary magistrate, a mere creature of the Home Office, was a sufficient barrier between the subject and the Crown. He objected to uncontrolled power being placed in the hands of stipendiary magistrates; and, if this Bill passed, it would have the effect of giving the stipendiary magistrates of the metropolis, greater powers than any court of justice possessed, with the exception of the House of Lords, because they could refuse to commit, and thereby deprive a complainant of all means of seeking redress without appeal. He (Mr. Ayrton) knew of a case in which a magistrate of that class refused to commit parties for an assault, who were subsequently, by the intervention of the grand jury, tried, convicted, and sentenced to two years' imprisonment. It had been suggested that the grand jury of the Court of Queen's Bench, would afford a substitute for the local grand juries, but that was an error, for if that court were to sit out of Middlesex, as it might do by law, there would be no grand jury at all for the county of Middlesex. The hon. and learned Gentleman desired to get rid of certain evils connected with grand juries, and yet left the grand jury of the Court of Queen's Bench untouched. It was notorious that for the very purpose which the hon. and learned Member deemed most objectionable the grand jury of the Court of Queen's Bench was found more convenient, and that some persons chose rather to prefer indictments there than before grand juries of the Central Criminal Court. While the Queen's Bench grand jury was left, the alleged grievance of grand juries would be only partially remedied, and this measure, therefore, could not be said even to accomplish the ends which the hon. and learned Gentleman had in view. But there was a fatal objection to the Bill, that it proposed that every inhabitant of the metropolis should hold his liberty at the will of the Attorney General. There was no provision that in all cases there should be investigation before a magistrate, but there was a clause which gave the Attorney General the right to file an information for felony, a power which he had never possessed. By the mere fiat of the Attorney General, without inquiry, without oath, without even an affidavit, any individual might be committed to prison upon a charge of felony, and such a person having no right to a writ of *habeas corpus*, might have to lie in gaol until the Attorney General chose to discharge him or bring him to trial. It was most reckless legislation, and so insulting to the inhabitants of the largest metropolis in the world, that the Bill ought to be at once rejected. The object of grand juries was to secure an independent tribunal between the Crown and the people, so that the people might not be left to the mercy of the stipendiaries of the State. If the Committee should come to the conclusion, as he trusted they would, not to proceed further with this Bill, he would not shrink from entering into the whole question of the constitution of grand juries, and he would remind the Committee that the objections of the hon. and learned Gentleman applied to all grand juries, and not to the grand juries of the metropolis alone. There were stipendiary magistrates out of London. But were they to understand that the hon. and learned Gentleman thought the landed gentry, who exercised the powers of magistrates, were so unworthy of trust in the discharge of their duties, that it was necessary to have a special institution to watch over them? Such must be the doctrine of the hon. and learned Gentleman, in fact, though he might deny it in language; but he would advise the Committee to look to acts and disregard language, especially when it fell from the lips of a learned and accomplished lawyer. He warned hon. Members to beware how they trifled with an institution like this—seeking to abolish it in respect of two and a half millions of people, and to retain it in so many other places smaller than London. It was said there was a greater check upon magistrates in the metropolis by means of publicity, but he would remind them that there was hardly a country town where there was not a newspaper, and in the country there was tenfold more publicity, because the local papers, not concerning themselves so much about the affairs of the whole kingdom as *The Times*, looked for support in publishing at length matters of local interest. He trusted he had said enough to prevent the Committee proclaiming, by their assent to this measure, that country justices were so deficient that, while grand juries were abolished in London, it was absolutely necessary to maintain them to watch over the conduct of the aristocracy in the country. He hoped the House would let it go forth to the inhabitants of the metropolis that their rights and privileges would be as much respected as if they had a representation commensurate with their numbers, wealth, and intelligence. Grand juries were no idle or useless tribunals. There had been 20,000 bills ignored in ten years, and 57,000 persons acquitted. It was very easy to tell a man that, if innocent, he would be acquitted upon trial; but was it no punishment to be compelled to submit to the disgrace of standing in a dock and being charged with an offence? The evils incident to grand juries were two in number. The first was, that a man might be indicted without a preliminary inquiry and without depositions. What could be easier than to pass a law, not for the metropolis alone, but the whole country, that no bill should be found by a grand jury unless an information had been taken down in writing, so that it might remain on record for the use of the accused when he was put upon his trial? The second abuse was that, when the witnesses had been examined before a magistrate, it was putting them and the public to unnecessary expense to have them examined again before the grand jury. Why not provide that the written statements on oath of the prosecutor and the witnesses should be laid before the grand jury, with liberty to send for the latter if required? By the adoption of these two provisions, they would get rid of every grievance affecting the institution of grand juries, make the administration of justice quicker and more simple, relieve witnesses and the public from unnecessary expense, and render grand juries more efficient. If grand juries had been in abeyance for great political purposes, so had the Habeas Corpus Act, for there was scarcely an instance on record of a subject being brought into Westminster Hall to be discharged from imprisonment merely oppressive on the part of the Crown. A Minister of State might wrongfully direct a subject to be seized or his house to be broken open, but by the law of England he could be indicted, with his agents, for this offence against the law. The very existence of such safeguards obviated the necessity for calling them into action, and it was because a Minister of State could be thus indicted by a grand jury, without the intervention of the Crown, that such proceedings were unknown. He believed that the liberty of the subject depended upon the maintenance of grand juries and other similar institutions. Without them Parliament would be of little avail, we might talk of liberty in the House of Commons, but we should be deprived of the means of possessing it, and we should be reduced to the state of the continental nations, where the word of command was obligatory, and those to whom it was directed had no option but to obey, whilst those who were aggrieved were dependant for redress upon the pleasure of the Crown. Such an outrage on public liberty as this Bill would effect was never before attempted; and it was the duty of the House, if they wished to prevent the ultimate predominance of a civil service class, to refuse to proceed with it, the more especially as all the evils incident to grand juries might be remedied by the two short and simple provisions he had suggested.

Mr. M'MAHON said, that if the Bill provided that when any ordinary case had been investigated by a police magistrate, there should be no further inquiry before a grand jury, nothing could be said against it; but it so completely substituted the police magistrate for the grand jury that it could not safely be passed into law. It was based on the assumption that there were stipendiary magistrates in every division of the metropolitan district, but this was a mistake; there were no stipendiary magistrates in the City of London; and did the hon. and learned Gentleman, who was the adviser in that House of the country party, mean to tell them that tradesmen in the City of London who might have attained a certain dignity had all the learning and experience of legally educated persons, and were competent to decide as magistrates, and that country gentlemen were not competent? The county of Essex formed a portion of the area over which the Central Criminal Court had jurisdiction, and at the present moment a man was lying in Newgate under sentence of death for a murder committed at Stratford. That man had been heard before, and committed by, county magistrates. It was true that the grand juries at the Central Criminal Court, and at the Middlesex Sessions, were in the habit of denouncing themselves as useless nuisances and obstructions, but the present Bill was not a proper remedy. The sheriffs ought to be required to summon the same class of gentlemen who were summoned to serve upon grand juries in the country, where no such depreciatory presentments were made. At present the persons summoned in London were small shopkeepers, and others to whom it was an honour to be placed even on a petty jury; but because they did not like the duties and the trouble it occasioned them, they were pleased to abuse the functions entrusted to them. The Bill proposed to give extraordinary power to the Crown. All cases within the jurisdiction of the Central Criminal Court must be heard before a police magistrate or the Attorney General; but it must be remembered that the police magistrates in the metropolitan districts were the creatures of the Crown, and held their offices only during the pleasure of the Crown. He could only speak in terms of praise of the manner in which those gentlemen now performed their duties, but a time of great political excitement might come—a meeting collecting within a mile of Westminster Hall might be dispersed with bloodshed and violence; if they appealed to a stipendiary magistrate, he would lay it down that he was precluded by the statute of Charles II., and the sufferers would have no redress, as his decision under the Bill would be final, and there would be no grand juries to appeal to, as at present. It was not right that the people of the metropolis, and the representatives of the country at large, should be at the mercy of the stipendiary magistrate and the Attorney General, which they would be under the Bill. The inhabitants of the metropolis appeared somewhat disposed to imitate the rioters of Wales in their opposition to toll-gates, and a Rebecca outbreak might occur, obnoxious members might be assaulted, and upon application to a police magistrate for redress, it might be refused, and they could go no further. The hon. and learned Gentleman told them that one of the evils of the grand jury system was, that parties could go secretly before a grand jury, and obtain a warrant against other persons for the sole purpose of extorting money. The remedy for that evil was to make such persons give security for costs. There would always be an opportunity of tampering with witnesses under any system; but that might be avoided by a recurrence to the ancient system of appointing an examining officer. Another reason against the abolition of grand juries in the metropolis was, the fact that the City of London Judges were appointed by the Corporation; and it was not likely that a prisoner would consider he had fair play from a Judge appointed by, perhaps, the influence of the alderman who had sent his case for trial. He (Mr. M'Mahon) had no objection to the application of the principle of the Bill to minor and petty cases; but the result of passing it as it stood would be, to create a public prosecutor, an institution which he, for one, trusted never to see in this country, for then justice would be administered in England as it was on the Continent, and there would be an end to the liberty of the English people. The system of administering justice in England was as near perfection as it could be; and, as there was no way of mending the clause as it stood, he suggested that the hon. and learned Gentleman should withdraw it, at least until the Criminal Law Commission should have made its recommendation on the general subject. The Bill professed to exempt treason and misprision of treason; but, under the Treason Felony Act of 1848, the whole jurisdiction, in such cases, would be placed in the hands of the stipendiary magistrate, in consequence of that having made treason felony for the convenience of trial.

MR. W. WILLIAMS was of opinion that grand juries had afforded more protection to the liberties of the people than, perhaps, any one of our institutions. He did not believe that there was any general desire, on the part of the public, to put an end to the present system, and, at all events, a measure of this kind, if brought forward at all, ought to be introduced by the Government. He hoped the House would reject the Bill; and he, for one, would give it every opposition in his power as a metropolitan representative, as well as a representative for the whole country.

MR. COBBETT said, he looked upon this measure as only the small end of the wedge, which would be pushed much further. The intention must be to do away with grand juries altogether, which he should consider a fatal change in the constitution. If this were not the intention, where was the necessity for this Bill? The objections to grand juries in the metropolitan districts applied with even greater force to those beyond the metropolis. It was said that in London the police courts formed a preliminary tribunal, and supplied all that was necessary. The stipendiary magistrate was the younger institution of the two, and he saw no reason why they should not co-exist, as they had hitherto done; certainly he could see no reason why one should absorb the other. For his own part, however, he did not see the benefit of trying a man before a police magistrate and then sending him before a petty jury. It was, in his opinion, an objection to the police court, that the proceedings which took place there, were in the nature of a trial. One of the great advantages of the grand-jury system was, that the case was discussed in private, and came before the petty jury without being in the slightest degree prejudged, whereas the proceedings in the police court appeared in all the newspapers, opinions were formed and expressed respecting the case, and it could not fail to be, to a considerable extent, prejudged. Another objection, too, arose with regard to the police magistrates—namely, that they were created by the Home Secretary, and only existed at the will of the Home Secretary; they were, in fact, dependent on the Home Secretary for their continuance in office and their very bread; and he would remind the Committee that Mr. Arnold, one of the metropolitan magistrates, had only last year published a pamphlet complaining of this, and adducing instances in which the police magistrates do not feel themselves independent of the Home Office. The substitution of police magistrates for grand juries, therefore, did not afford that security which was required before the Crown could put a man on his trial for a criminal offence. Mr. Justice Willes had objected to the present Bill in a recent charge to the grand jury at Hertford, and expressed a hope that it would not pass. With regard to another point, he did not think that his hon. and learned Friend (Sir F. Thesiger) had at all made out his case, that grand juries in the metropolis acted as an obstruction to justice. It was said that their investigation involved a great waste of time. It should be remembered, that grand juries saved a good deal of time by throwing out bills which must otherwise be heard by the petty jury. His own experience as a criminal lawyer convinced him (Mr. Cobbett) that grand juries, so far from obstructing the course of justice by wasting time, expedited it by the number of bills which they threw out. Among the advantages which arose from the grand jury system was the amount of information which was circulated among country gentlemen during their attendance at the assizes and amongst the middle class at sessions of the peace. There were fifty-two counties in England and Wales. Twice in the year, in each county, the Judges in their charges to grand juries, consisting of the gentry of the county, gave in fact useful lectures on law, on recent changes of law, and on social questions of all kinds. The gentry, in their turn, lectured farmers and tradesmen from the bench at quarterly sessions, and taking six grand juries in each county, there could not be less than six thousand persons of these two important classes of the community who were bound to come and sit quietly and listen to these lectures every year. Every man went home a better informed man than when he came. Was there no advantage in an institution like this? But, this was not all; Judges and Governments learned something from grand juries. For years great efforts had been made to mitigate the severity of the criminal code of this country, but the Legislature remained unmoved, despite the efforts of Sir Samuel Romilly and others, until a petition from the grand jury of London (the very grand jury now proposed to be abolished) was presented by Mr. Brougham in 1830, which, stating that juries would not convict in the clearest cases in which the punishment of death was inflicted for comparatively trifling crimes, led to the abolition of that punishment in numberless cases, and brought about the change that others had vainly sought to obtain from Parliament. He trusted, under the circumstances, that the hon. and learned Member would withdraw his Bill for the present, and bring it forward again with any practicable amendments of the system, but preserving the principle; if he did not, he (Mr. Cobbett) should be compelled to vote against it.

Mr. BAINES said, that, believing that the Bill was capable of being made safe and valuable by the aid of alterations which might be engrafted on it, he should not support any Motion the effect of which would be to throw it out altogether. It had been said that the Bill would subvert the whole grand jury system of England; but he did not believe that such a result would follow, and the hon. and learned Member, who had introduced the Bill, had himself stated that it was his desire to maintain the system throughout the country generally. As to the objection that the measure was opposed to principle, he thought that the whole question resolved itself into this—had such a strong case of public expediency been made out with regard to the metropolitan district as would justify them in passing the Bill, although it was to a certain extent an infringement of the ancient criminal law of the country. He (Mr. Baines) would not meddle with any institution without a strong legislative necessity; but when that necessity existed he could not withhold his support from remedial measures. The House had not long since given its assent to the Bill for the increase of summary jurisdiction in cases of larceny, and that Bill had been an improvement upon the old system, although it was a great innovation on the old system of criminal law. The real question was, whether this Bill was calculated to promote the salutary and effective administration of justice? If the Bill would prevent the escape of the guilty, which in a great many instances now occurred, and if it would prevent that danger to the innocent which was also of frequent occurrence, he thought that no one could doubt that the operation of the measure would be beneficial. It was said that Mr. Justice Willes had expressed an opinion unfavourable to this Bill; but that learned Judge had had little experience in the administration of criminal justice in the metropolitan district; and when he remembered what had been said upon this subject by the Criminal Law Commissioners, and by those who had had the best opportunity of watching the administration of criminal justice within the City of London, especially by the late Recorder (Mr. Stuart Wortley), who was no wanton innovator on the rights and privileges of the people, and than whom a more upright, honourable, and able judge never sat upon the bench, he came to the conclusion that some such measure as that now proposed ought to receive the sanction of Parliament. Under the circumstances he thought that the Committee should not reject the Bill, but that they should proceed with its consideration, and should endeavour to render it as efficient as possible.

MR. JOHN LOCKE said, he felt bound to vote for the Motion of the hon. and learned Member for Dundalk. It had been said that the opinion of Recorder after Recorder and Judge after Judge who had sat at the Central Criminal Court, was in favour of the abolition of grand juries there. That opinion, no doubt, was formed from what they had seen from time to time passing in the Central Criminal Court, but he imagained that those considerations, unconnected with the ordinary business of the Court, which, in the course of the present discussion, had been presented to the notice of the House, had not been brought under their attention, and that they had not regarded the question from an enlarged point, or weighed how far the abolition of the grand jury system would affect the liberty of the subject. The right hon. and learned Gentleman who had just sat down had not given the slightest reply to the objection of his hon. and learned Friend (Mr. Ayrton). The argument that the only remedy against an officer of the Crown would be removed by the abolition of the grand jury had not been answered. That was a grave consideration in connection with the Bill. He had also instanced a case where a person accused of a crime was discharged by a police magistrate, but subsequently the grand jury found a true bill, and he was tried and sentenced to a considerable term of imprisonment. Nor did he (Mr. John Locke) think that the clause providing against the abolition of grand juries in cases of treason and misprision of treason went far enough, for the interests of the Crown might come in collision with those of the subject in the most ordinary cases. He, therefore, maintained that the subject should retain the right of claiming that protection which he had hitherto enjoyed in the intervention of the grand jury.

MR. BRISCOE said, he had come to the consideration of this question perfectly unbiased, but having heard the arguments urged against the Bill, would vote in favour of the Amendment. The speech of the hon. and learned Gentleman the Member for Stamford, and all the arguments in it, went to the abolition of grand juries generally. The hon. and learned Gentleman said the grand jury of London was unnecessary and obstructive, but then he had only proved his case by arguments which referred to grand juries generally.

THE SOLICITOR GENERAL stated, that he was physically unable to say much, but he was extremely anxious to say that if the Bill had for one of its consequences the abolition of grand juries all over the country, as well as at the Central Criminal Court, he should feel bound to oppose it. But no part of the statement of the hon. and learned Member for Stamford warranted such an inference. The advantages of the grand jury system in the country were very great, particularly in bringing the gentry of the country into contact with the administration of justice; but the contrary was the case in the Metropolitan districts, owing to the different class from which Metropolitan grand juries were taken. He admitted that the Bill required Amendment, but he thought there could be no second opinion that public examination before a police magistrate would be far more advantageous to the prisoner, as well as to the public, than a private examination before a grand jury. Looking, therefore, at the principle involved in the Bill, he (the Solicitor General) considered it would be a serious evil if it was rejected in its present stage.

Mr. HENLEY said, he had listened attentively to the arguments in favour of the Bill, but he had not heard any reasons assigned for making a distinction between the metropolis and the country with regard to the abolition of grand juries. Indeed, some of the arguments in favour of the measure told as strongly against the maintenance of grand juries in the country as in the metropolitan districts. For his own part, he did not think that because some abuses existed it was desirable to abolish an institution which was essentially beneficial. It had been said that grand juries might be dispensed with in a large town much more safely than in the country; but it must be remembered that the metropolis was parcelled out into districts which were under the jurisdiction of a small number of magistrates, and if grand juries were abolished, and for reasons of any kind these magistrates—to whom he did not intend to impute any corrupt or improper motives—should refuse to deal with cases submitted to them, there would be an absolute denial of justice. It was said that under such circumstances an application might be made to the Attorney General, but he did not think that in any case between the subject and the Crown it was likely recourse would be had to that official. As to the argument which had been drawn from the Summary Jurisdiction Bill, in favour of this measure, he must remind the Committee that that Act was voluntary, and not compulsory. The hon. and learned Gentleman opposite had said that grand juries in country districts were generally composed of country gentlemen, and he (Mr. Henley) was glad to find that that class—who did not usually get credit for having more wit than their neighbours—were so far at a premium; but he thought the great body of tradesmen in this metropolis were quite as fit to be trusted with the duties of grand jurors as any country gentleman. A London special jury was said to be the best tribunal before which a man could be tried, and who were they but the same class which composed the London grand jury. Besides, the cases which the magistrates had to decide were different from those decided by grand juries; for in the one case the magistrate had only to decide if there was evidence enough to warrant sending the accused for trial; whereas, the grand jury went a step farther, and decided if that evidence was sufficient to procure a conviction, and therefore one inconvenience which would result from the adoption of the Bill would be that in cases where magistrates were now accustomed to take bail on committal, they would be compelled to pursue inquiry much further, and defendants would be kept under remand for a considerable time before they were committed. It was further alleged that the Bill might be amended in Committee, but he could see on the paper no notice of any Amendment which would materially alter its main features. For these reasons, therefore, he felt it his duty to support the Motion of the hon. and learned Member for Dundalk.

Motion made, and Question put, "That the Chairman do now leave the Chair."

The Committee *divided* :—Ayes 80; Noes 187: Majority 107.

Mr. M'MAHON said, if the clause was allowed to stand as it was, no grand jury whatever could under any circumstances be assembled within the district of the Central Criminal Court, and he could conceive that under such an arrangement grave cases might occur in which there would be an entire failure of justice. In the case of a riot or some great public nuisance the magistrate before whom the charge was brought might refuse, on some ground or other, to commit; for instance, one alderman carrying on a naphtha manufactory in the City of London, might be complained of before another alderman carrying on a similar manufactory, and the result would be that there would be no satisfactory judicial inquiry into the matter at all. He thought it would be desirable that the clause should be amended so as to meet such cases by providing that a grand jury should be summoned at least once or twice a year within the district. As, however, the Committee could not then amend the clause, he should suggest that its consideration be postponed, with the view to such an Amendment being moved on the bringing up of the Report.

Mr. W. WILLIAMS said, the only argument urged in favour of the application of the Bill to the metropolis exclusively was the existence of the police magistrates; but it ought to be borne in mind that the whole of the metropolitan police districts were not under the control of the police magistrates. The grand jurors of London were a most intelligent body of men, and quite capable of coming to a just and fair, and right and discriminating decision upon any matters submitted to them in their capacity of grand jurors.

Sir FREDERIC THESIGER said, he must decline to postpone the consideration of the first clause in order to allow the hon. and learned Member for Wexford (Mr. M'Mahon), to introduce, at some future period, an Amendment which would violate the principle of the Bill. He did not think that such a retrospective proceeding would be a satisfactory manner of conducting their deliberations, and trusted that the Committee would adhere to the resolution which it had already pronounced by a large majority. The question which they were now called upon to determine was whether the first clause, which embodied the whole principle of the Bill, should stand part of the measure. He (Sir F. Thesiger) had been accused of having smuggled in the Bill; but he had no interest whatever in the measure; and in urging on the second reading at the unseemly hour to which the hon. Member for the Tower Hamlets adverted, he had only availed himself of the sole opportunity afforded him, and done what any other private Member would have done. Should the Bill be passed into a law all parties would still have an opportunity of going before the grand jury of the Court of Queen's Bench —a fact which might remove many of the objections urged against the Bill. The Attorney General at the present moment, besides the power of filing *ex officio* informations, might enter a *nolle prosequi*, and prevent any prosecution. In the course of his own official existence he had occasion to enter a *nolle prosequi* upon an indictment under circumstances in which he thought there was an attempt to convert the criminal law into an engine of extortion, by keeping an indictment hanging over the head of the accused. It was not, therefore, such an unconstitutional course to say that, supposing a magistrate should refuse to entertain a complaint, and the parties should desire to have the matter investigated, they should have an opportunity of going before the Attorney General. In Ireland the Attorney General had the power of deciding whether accused persons should be sent to trial or not. Plausible and even unanswerable arguments could be advanced against any measure that might be proposed; but the question for the consideration of the Committee was whether the evils incident to the system of grand juries in the metropolis were greater than those which might be produced by his Bill. He did not believe that police magistrates, exercising their power in public, would exercise it corruptly on behalf of the Government. He should like to see them made entirely independent, by appointing them to their offices during good behaviour. Practically they were independent, because no Secretary of State would remove them while they honestly and satisfactorily performed their duties. The question was whether this clause should stand part of the Bill, and that question involved the principle in favour of which the Committee had decided by a large majority.

Mr. AYRTON said, he had made no imputation of smuggling the Bill through the second reading against the hon. and learned Gentleman. All he wished to show was that no debate had taken place on the principle of the Bill. He would observe, however, that it was strange that the hon. and learned Gentleman should have complained of his hon. and learned Friend the Member for Wexford (Mr. M'Mahon) making retrospective observations, and yet he himself immediately made observations of the same character, and, in fact, addressed himself to the principle of the measure. The question was properly raised, to what extent were they about to carry this destructive legislation? He thought the proposal of his hon. and learned Friend the Member for Wexford was a most reasonable one; and if the hon. and learned Gentleman the Member for Stamford did not accede to it, he would continue his opposition to the measure on every clause and every word in the Bill. He was not disposed to pay much respect to a division in which twice as many hon. Members voted as were present during the debate, and he thought such a proceeding, although constitutional, added little to the dignity and character of the House. It was perfectly true that the Committee had affirmed by its vote that grand juries were to a certain extent to be abolished, and that the preamble of the Bill stated that it was desirable to dispense with the attendance of grand juries at the Central Criminal Court and at the courts of general and quarter sessions in the metropolitan police districts, except in particular cases. It was, however, a question of degree how far that legislation should be carried. The hon. and learned Gentleman said the groundwork of the Bill was that there were stipendiary magistrates in the metropolis who cautiously and carefully examined cases which were brought before them, and protected the interests of the people. What other inference could be drawn but that the gentlemen who acted as magistrates in the country could not be trusted to the same extent, and that they did not discharge their duties as well as the stipendiary magistrates in London? This was an indictment against the country magistrates, and those who wished to uphold the character of those gentlemen in the administration of justice were bound to vote against the Bill.

House resumed; Committee report progress; to sit again *To-morrow.*

LAMBETH ELECTION.

The Serjeant at Arms attending this House, informed the House that, pursuant to their Order of the 13th day of this instant July, he had taken Joseph Tredre into his custody.

Ordered, That the Serjeant at Arms do take the said Joseph Tredre to the Select Committee appointed to try and determine the matter of the petition, complaining of an undue election and return for the borough of Lambeth, when and so often as he shall be required by the said Committee so to do.

MAYO ELECTION—REPORT.

House informed, That the Committee had determined,—

That George Henry Moore, esquire, is not duly Elected a Knight of the Shire to serve in this present Parliament for the County of Mayo.

That the last Election for the said County, so far as regards the Return of the said George Henry Moore, esquire, is a void Election.

And the said Determinations were ordered to be entered in the Journals of this House.

BURY ST. EDMUND'S ELECTION.
REPORT.

House informed, That the Committee had determined,—

That Joseph Alfred Hardcastle, esquire, is duly Elected a Burgess to serve in this present Parliament for the Borough of Bury St. Edmund's.

And the said Determination was ordered to be entered in the Journals of this House.

Mr. Ayrton

THE AUSTRALIAN MAIL COMPANY.
QUESTION.

Mr. CONINGHAM said, he wished to ask the Secretary to the Treasury what is the number of steam vessels which the Post Office agreed with the European and Australian Mail Company should be placed on the line from Australia to Suez; was proper security taken by the Post Office before the line was opened that the proper number of vessels were placed on the station; did the number of vessels agreed upon provide against a contingency, or loss, or break down of one or more of the vessels?

Mr. WILSON said, the contract between the Australian Mail Company and the Government provided that they should have at least six vessels engaged in the service, but they were bound to perform the service irrespective of this, and to have therefore in reserve a sufficient number of steamers to provide for breakdowns. The full number of packets was put upon the station in October last, but the *Oneida,* as the House was aware, broke down. The Government had called for the enforcement of the penalty for the non-performance of that voyage, but he felt bound to say, with regard to the rest of the service, that it had been performed entirely to the satisfaction of the Post Office, and that the arrivals had been within the time limited by the contract. Immediately on its being known that the *Oneida* had broken down, another steamer was despatched by the Company round the Cape of Good Hope. Everything, therefore, had been done which could be done by the company; and, on the other hand, the Government, as he had stated, had enforced the penalty under the terms of the contract for the non-performance of that particular voyage.

THE INDIAN MUTINY—QUESTION.

Mr. DISRAELI: Sir, I wish to make several inquiries respecting the present state of affairs in India, and also to ask whether Her Majesty's Government will afford to the House a convenient opportunity to express some opinion upon this the most considerable event which has happened in India within the recollection probably of any of us. The House will bear in mind that nearly a fortnight ago, when the occurrence of these calamities was first notified, I addressed a question to the Government in the absence of the noble Lord. The main object I had in view in making this inquiry was, first of all, that we might know what measures the Government were about to take under these disastrous circumstances; and, secondly, that the House might obtain, if possible, some general idea of the Government of what they believed to be the cause of these calamities. The House upon that occasion was told that the Governor General had written home in great spirits, and we were allowed to infer that affairs were not of so serious a character as I fear it would be the greatest want of prudence on our part now to question. Since then we have had news of considerable importance, but it has been communicated to us only in outline by the electric telegraph. What I would wish to learn from the noble Lord is, first, whether the despatches which I suppose are in the possession of the Government will enable him to give more detailed and authentic information to the House as to the present position of affairs in India; and, secondly, whether he will assist the House by giving it the earliest possible opportunity of expressing its views upon the causes and probable consequences of the present state of affairs in India? The other night there were some observations made respecting the Indian Budget, which was expected shortly to be brought in, and I understood privately that there would be no objection to introducing it to our notice without loss of time. If Her Majesty's Government took that course it would afford a legitimate opportunity for the House dispassionately to discuss the present position of affairs in India. It would of course be open to me, or to any hon. Member, on going into Committee of Supply—on Thursday, for instance—to call the attention of the House to Indian affairs, but there are very important matters connected indirectly with those affairs which are already appointed for discussion on that day. The Persian and Chinese wars will be brought under our consideration on Thursday by the Votes to be proposed by the Minister, and it appears to me that it would be highly inconvenient to discuss indirectly the condition of matters in our Indian empire. I would ask then, first, whether the noble Lord will favour the House with what he believes to be the most authentic information that can be obtained on the exact position of affairs in India at the present time? I should be glad, in the second place, to hear from the noble Lord what are the steps which the Government, under the circumstances, are prepared to adopt; and, lastly, I would ask whether the noble Lord will permit the Indian Budget to be introduced to the notice of the House on Friday next, so that there may be afforded, upon the present serious condition of affairs, at least an opportunity for the expression of the opinion of the House of Commons?

Viscount PALMERSTON: Her Majesty's Government have received despatches the substance of which has been already communicated by electric telegraph from Marseilles, and I believe there are other despatches coming which will arrive by way of Southampton, and which may or may not convey further information. I should say, generally, that the despatches which have been received from Marseilles contain, only in more amplification and detail, the same information as to events in India, of which the substance was previously communicated by electric telegraph. Further, I should say, in general terms, that the intelligence which has reached the Government is not fuller than, and does not vary from, that which has been published through private sources in the ordinary channels of daily information. Her Majesty's Government, however, will, in redemption of the assurance which I gave yesterday, lay without delay upon the table of the House such portions of the correspondence now received, together with that received before, as may be sufficient to give the House the fullest information that we can afford with regard to the course of events. With respect to the question put by the right hon. Gentleman as to an opportunity for discussing these very important matters, it is, of course, exceedingly natural that there should be a desire on the part of leading Members of the House, like the right hon. Gentleman, to express their opinions upon the question; but I think that it would be desirable before doing so that they should first see the papers which I shall lay upon the table. When they are there, they may be considered to be either full or not full; but I think, at all events, that it would not be in accordance with the usual practice of Parliament to originate a discussion pending the production of papers which, perhaps to-morrow or the next day, may be laid upon the table of the House. With regard to bringing the subject on, therefore, upon Friday, I should think that the right hon. Gentleman and other hon. Members would find that they had not had the papers long enough in their hands to enable them to discuss the question satisfactorily on so early a day; but the Government have no wish to put off the discussion longer than is necessary to enable them to give full information on the subject, and when the papers are laid upon the table, which shall be without any loss of time, it will be for the right hon. Gentleman to fix a day for bringing the subject under the consideration of the House.

Mr. DISRAELI: It is, I think, very important that we should have some general understanding from the noble Lord as to how far back the papers which he intends to lay upon the table will extend; because if they are to be confined to a mere narrative of events, which the noble Lord tells us we have already obtained accurately from other sources, their production will be of no great utility, and to defer the discussion on their account would only lead to an inconvenient delay at the present period of the Session. If, however, I understand from the noble Lord that we shall have despatches placed on the table which will give the House information as to the accounts which the Government received as to the state of India during the time that they were draining India of troops to send them to China or to Persia, I admit, at once, that they would be most important papers, without which we should be unable, probably, to form a fair opinion of the conduct of the Ministers; and I certainly should not wish to precipitate a discussion without those documents. But if I consent not to avail myself of the opportunity afforded by the forms of the House of bringing on the subject on the first supply night, it will be only on the understanding that we shall be put in possession of papers of a date so far back as to enable us to know what degree of information was in possession of the Ministry when they gave the counsels which led to the war with Persia, as well as to the recent revolt in India.

Viscount PALMERSTON: We shall present such papers as we think best calculated to put the House in possession of the fullest information, and it will be for the right hon. Gentleman, when they are presented, if he does not think them full enough, to point out in what respects he considers them to be deficient.

Lord JOHN RUSSELL: There is one point that I am more anxious about than any discussion that can take place. When my noble Friend was asked a question the other evening, he said that he would state what the Government were about to do in consequence of the intelligence which they had received. The statement which he made, however, was very general, and I am not surprised that it was so, as at that time only a telegraphic message had been received; but now that the Government are in receipt of the despatches, I confess that I am very anxious to hear a fuller and more specific statement upon that point. I hope that the reinforcements which will be sent to India will be sufficient, and I trust that the Government, when they have fully decided what they intend to do, will make a complete statement to the House of their intentions. Provided that the force to be sent out is adequate, I think that the House would not gather much more from a discussion than it would gain from such a statement as I have referred to.

Viscount PALMERSTON: The best answer, I think, that I can give to my noble Friend is this—that previous to the receipt of the despatches which arrived yesterday, Her Majesty's Government had made arrangements for sending, with the utmost promptitude, large reinforcements to India—in fact, that the reinforcements which they had determined to send were rather greater than Lord Canning stated to be essential and asked for. Of course, the House will not expect that I should enter into a detail of the regiments or their stations; but I may state generally, that, although the Government feel no apprehension or alarm as to the ultimate result of these unfortunate events, yet they feel it to be their duty to act as if there were real reason for alarm, and to leave nothing undone which is within the reach of administrative functions, in order to provide for any emergency that may happen, or might have happened, in India since the receipt of the last despatches.

Sir JOHN WALSH: There is one more question on this subject which I should wish to ask. Rumours are prevalent that for a considerable time past the late General Anson had made strong representations to the Government that danger was imminent in India, in consequence of disaffection in the Bengal army. I wish to ask whether the papers to be laid upon the table of the House will contain full extracts from the correspondence of General Anson upon that subject?

Mr. MANGLES: If the House will permit me, perhaps I may be allowed, as the Chairman of the Board of Directors, to answer that question. When the same rumour was referred to on a former occasion I stated that I had never seen one single line on the subject in the shape of a warning in any official document from General Anson. The rumour, however, being so strong, and apparently so generally believed I made a more strict and special search at the India-house to-day, and I can now state positively, that we have not one single word of warning, or of notice, given by General Anson on the subject of the disaffection of the Bengal army.

MR. CHEETHAM: Perhaps the noble Lord at the head of the Government would inform us whether it is in his power to fix an early day for the renewal of the debate with respect to the productions of India, upon the Motion of my hon. Friend the Member for Stockport.

VISCOUNT PALMERSTON: I am quite aware of the interest taken by the manufacturing districts in the question to which my hon. Friend alludes, and if I thought that in the present state of Indian affairs the debate could be confined to the production of cotton, I should be very willing to devote the morning of Tuesday next to the subject; but probably it would be better, under the circumstances, to postpone that matter for a little, until the debate to be raised by the right hon. Gentleman opposite on the general question shall have terminated.

SIR DE LACY EVANS: Although the reinforcements which the Government propose to send to India may exceed the number which the Governor General thought he should require, it is obvious, that the House of Commons, as well as the Government, has a duty to perform in this matter, and I should be glad if the noble Lord at the head of the Government could give us some definite idea of the time when the debate upon the general question may be expected.

LORD JOHN MANNERS: I think that it would have been more satisfactory to the House if an answer to the question of my hon. Friend the Member for Radnorshire (Sir J. Walsh) had been given by the Member of the Government who is responsible for the Indian Department in this House, instead of by the hon. Member for Guildford (Mr. Mangles). The question is a very important one.

MR. VERNON SMITH: My hon. Friend answered the question of the hon. Baronet the Member for Radnorshire, not as the Member for Guildford, but as Chairman of the Court of Directors of the East India Company. General Anson has had no communication with the Government, but with the Court of Directors, and if he had wished to point out any deficiency in the army of Bengal or elsewhere his course would have been, as a military member of the Council of India, to put a Minute upon record of his opinion. That Minute would have been taken notice of by the whole Council, including the Governor General, by whom it would have been transmitted home to the Court of Directors. No such Minute, so far as I am aware, ever was made by the late General Anson, nor do I know that he ever expressed any opinion with respect to the existence of disaffection in any portion of the Bengal army.

SIR JOHN WALSH said, that as some hon. Gentlemen near him were not satisfied that they had thoroughly understood the reply given to his question, he begged to ask whether any official communication whatever had been received by any department of Government from General Anson, calling attention to the existence of disaffection in the Bengal army?

MR. VERNON SMITH replied, that no such communication had been received.

ADMIRAL DUNCOMBE asked whether any communication had been received from Sir W. Gomm on the subject?

MR. VERNON SMITH said, he believed not; but he was not at the Board of Control while that officer was Commander in Chief.

SIR CHARLES WOOD said, that while he was President of the Board of Control nothing of the kind was received.

WEIGHTS AND MEASURES IN IRELAND.

QUESTION.

SIR WILLIAM VERNER said, he wished to ask the Chief Secretary for Ireland if the Bill for the regulation of Weights and Measures in Ireland, which was promised by the late Chief Secretary for Ireland, at the commencement of the Session, in a few days to be laid on the table of the House, is now ready, and when it may be expected to be presented to the House?

MR. H. A. HERBERT said, he was not aware that it had been contemplated to introduce a Bill for the exclusive object of regulating weights and measures in Ireland; but a Bill had been prepared, which he hoped to be able to lay on the table shortly, not with the view of passing it this Session, but for the purpose of circulation in Ireland, for the regulation of fairs and markets in Ireland. That Bill would contain a clause rendering the use of the imperial standard measure in all fairs and markets imperative.

Sir WILLIAM VERNER said, that that Bill had nothing to do with weights and measures.

CIVIL SERVICE.

RESOLUTION MOVED.

Viscount GODERICH then rose to move the following Resolution :—

> "That, in the opinion of this House, the experience acquired since the issuing of the Order in Council of the 21st day of May, 1855, is in favour of the adoption of the principle of competition as a condition of entrance to the Civil Service, and that the application of that principle ought to be extended in conformity with the Resolution of the House, agreed to on the 24th day of April, 1856."

He said, that the answer he had received a few days ago from the Chancellor of the Exchequer on this subject was so unsatisfactory that he had no alternative except to appeal from what appeared to be the present decision of the Government to the opinion of the House of Commons. He had observed with regret a material difference between the expectations raised by the Chancellor of the Exchequer at the end of last Session, and the course which appeared from the last Report of the Civil Service Commissioners to have been since followed by the Government on this subject. In July last the right hon. Gentleman, in stating his intention with regard to the system of admission to the Civil Service, divided the offices included in it into three classes. The first class contained officers in the position of tidewaiters, post-office messengers, and post-masters, and those who filled the lowest offices in the Civil Service of the Crown, to whose case, in the opinion of the Chancellor of the Exchequer, the system of competitive examination would be inapplicable. To save the time of the House, he did not on the present occasion intend to contest that opinion, The other classes into which the right hon. Gentleman divided the Civil Service were two in number — the one comprising those clerkships in the superior offices such as those of the Secretaries of State, who were appointed by the heads of their respective departments, and the other those in the Revenue Departments, the clerks in which were nominated by the Treasury; that was to say in theory by the First Lord, but in practice by the parliamentary secretary. With respect to the first of those two classes, the Chancellor of the Exchequer stated last July that it was the intention of the Government to extend to all those departments the system then followed in the colonial and some other offices, under which limited competition was introduced, and a certain number of persons nominated by the heads of departments competed together for the vacancies. Now, he had examined the last Report of the Civil Service Commissioners, and he found that instead of that system having been extended to all those offices, it had been adopted in only two departments of that description, which had not already adopted it in July last—namely, the Home Office and the Board of Works; and there was evidence in the Report to show that it had not been adopted in the Foreign Office, the Indian Board, the Board of Trade, the Admiralty, and the Exchequer. In the statement made the other night by the Chancellor of the Exchequer, that right hon. Gentleman said that, though he individually approved of that mode of appointment, it was not the intention of the Government to lay down any general rule upon the subject, but that the matter would be left to the discretion of the heads of the different departments. With respect to the other class into which the right hon. Gentleman divided the Civil Service, his statement was still more unsatisfactory. In July the right hon. Gentleman told the House that he thought the mode of appointment to clerkships in the Revenue Departments required additional securities. Those were the right hon. Gentleman's precise words, and yet in the Report of the Civil Service Commissioners there was no evidence that any steps had been taken to afford such additional securities. He found that no change had been made in the mode of appointment to these offices, though the organ of the Government considered it capable of amendment, and when he addressed his question to the right hon. Gentleman the other night nothing was said on this point. Therefore an impression was left on his mind that, though the opinion of the right hon. Gentleman remained unchanged, it was not the intention of the Government to act in any way on that opinion. Under these circumstances he felt that, as there appeared to be no longer any hope of the promises held out last July being fulfilled, he had no alternative, if he did not wish to see this question retrograde, but to appeal from the decision of the Government to the opinion of the House of Commons. His object was to obtain from the House an expression of their approval of the competitive system as a mode of admission to the Civil Service, and he might almost be content to rest his Motion upon the facts which had been disclosed since this subject first engaged the notice of the public and of Parliament. In 1853, Sir Stafford Northcote and Sir Charles Trevelyan made a Report upon the reorganization of the Civil Service, which had since attracted very general attention. In consequence of that Report the Government of Lord Aberdeen introduced into the Speech from the Throne in 1854 a paragraph which clearly implied their intention to propose a Bill embodying the general principle which he (Lord Goderich) was now advocating; but owing to the war in which this country was then engaged, and the state of public affairs, such a measure was never laid upon the table. In 1855, however, the Order in Council was issued which at present regulated the mode of admission to the Civil Service. Reports had been presented by the very able Commissioners—Sir J. S. Lefevre and Sir E. Ryan—who were appointed to carry into effect the provisions of the Order in Council, which showed that those who objected to the previously existing system of appointment had had ample grounds for their opinions. The first of those Reports proved, upon the clearest evidence, that under the system formerly pursued a very large number of most incompetent persons had been admitted to the Civil Service, and that, although the questions put at the examinations were generally of the simplest description, one out of three of the persons nominated for appointments were rejected on account of the most ridiculous errors. He regretted that the second Report of the Commissioners, prepared when the new system had been in operation for two years, showed little improvement. The proportion between rejections and admissions remained the same, and persons nominated for appointments in the public service still spelt fingers "fing*ures*," put only one *n* in the word government, and committed faults similar to those mentioned in the first Report. The evidence brought forward by the Commissioners went directly to sustain the proposal for an extension of the system of competition; and, indeed, the Chancellor of the Exchequer had admitted as much in the course of the speech he had delivered last July. The Civil Service Commissioners had since made a most interesting Report, which showed at once that the public were extremely ready to enter into the competitive system, and that the persons appointed under it were not less zealous in the discharge of their duties than those appointed under a different method. It used to be said that the advocates of the competitive system were mere theorists. But that argument could no longer be employed, for it was clearly proved in these blue-books that the competitive system, as far as it had been tried, had been attended with most satisfactory results. The fact was—and all experience proved it—that those who in early youth devoted themselves to study with an earnestness which ensured to them success in an intellectual competition were in the vast majority of cases persons on whose moral qualifications and zeal in the discharge of their duties reliance might safely be placed. He was prepared to rest his Motion on the facts he had already referred to, and to trespass no further on the House; but as the argument had been all on one side when the subject was formerly before them, he wished to refer to some objections which might possibly have weight in the minds of some hon. Members. He believed that he could show that the adoption of the system of competitive examination would be attended with many direct and indirect advantages. He conceived that the object of those who had the power of giving appointments in the public service ought to be to select the most fit persons to fill vacant situations. The Chancellor of the Exchequer had divided the offices in the Civil Service into two classes, and he (Lord Goderich) would apply the system of competition to both those classes. He would take first the class of clerkships in the superior offices. The Chancellor of the Exchequer said last year that the heads of departments exercised great care in making such appointments, and that it was their direct interest to select properly qualified persons; but he (Lord Goderich) doubted whether a Secretary of State, or the President of the Board of Control, or the heads of important departments, considering the duties they had to discharge, could be able to make very close inquiries with regard to the qualifications of the clerks they might appoint. Surely such an official could have no better test of the ability of a young man than a competitive examination, and it would be a great assistance to him in making his appointments. He was bound to consider, not merely the capacity of the candidate for the duties of the office he would be immediately called on to fill, but also his qualification for the higher posts to which he might afterwards be promoted. A competitive examination alone would test the latter. A pass examination, if fixed at the lowest standard, would give no proof of a candidate possessing qualification for the higher posts; if fixed at the highest standard, it would be so severe that very few young men would be able to pass it. The Chancellor of the Exchequer had admitted the whole case with regard to many of the offices in the Civil Service, when he said that with respect to them additional security was required. It appeared that at present no competition was required, and that the Secretary of the Treasury simply nominated individuals at his pleasure. In nineteen months since the present system of examination had been introduced, the Secretary to the Treasury had nominated to 240 clerkships in the Inland Revenue Board, and Customs departments, being at the rate of about thirteen each month. Now, it was impossible that any man could make sufficient inquiries as to the qualifications of thirteen individuals every month. The right hon. Gentleman was necessarily much open to political influence in making these appointments; but he (Lord Goderich) had no hesitation in saying that such influence was of a very injurious character. It had a tendency to vitiate the relations between the Government and the Members of the House on the one hand, and between those hon. Members and their constituents on the other. He did not think it befitted the dignity of that House that the votes at elections should be influenced by the expectation that the candidates would solicit a number of clerkships from the Secretary to the Treasury on behalf of the electors or their friends and relatives. Though there was no corruption in that system, so far as regarded the relation between the Government and the hon. Members who solicited those clerkships, yet it afforded ample room for corruption so far as concerned the relation between the hon. Members and their constituents. The Legislature had attempted to put down bribery and corruption at elections by stringent laws. Here, then, was one source of corruption which might be cut off by abolishing the nomination system, and introducing that which he advocated. The system of procuring votes by promises to solicit places from the Secretary to the Treasury was almost as bad as that of purchasing the votes of Members of Parliament in the days of Sir Robert Walpole. He challenged the Chancellor of the Exchequer to show that the security, so far as regarded the qualification of the public officers, which his (Lord Goderich's) system would afford, would be less than that afforded by the present system; and he contended that it would be greater. One of the indirect benefits which would accrue from the adoption of his system was the great support which it would give to the cause of public education. The ability and zeal of the right hon. Baronet the Member for Droitwich (Sir J. Pakington) had failed to procure the passing of a Bill for the promotion of public education, and he thought that there was little chance of a Bill of that kind passing at present. Let the House, then, at least advance the cause of education by the adoption of his system. They had the highest testimony to the efficiency of that system in so doing, for some of the ablest and most experienced men in the country had expressed their approval of it. The Society of Arts had adopted a system of examining members of Mechanics' Institutes, and of granting certificates. That system had been highly successful as an incentive to study. He admitted that its introduction was owing to an unhappy misapprehension that, in consequence of the success of his Motion of last year, the Government intended to introduce a competitive system of examination, which would afford young men an opportunity of obtaining admission into the various departments of the public service. The case of Ireland afforded an illustration of the effect which the adoption of this principle might produce. A gentleman, whose name would be received with the greatest respect by all connected with the sister country, and who had recently been appointed one of the Commissioners to inquire into the endowed schools of Ireland — he meant Dr. Graves — had told him that in his inspection of schools of that description, he had found that public attention in Ireland was greatly directed to this ques-

Viscount Goderich

tion of competition for entrance into the public service. He said that the competitions which had been established for admission to the Artillery and Engineers at Woolwich, and to the Civil Service of the East India Company, had commanded universal attention throughout Ireland; that he had found new classes established in various schools, and attention directed to subjects which had never before excited any interest on the part of masters or pupils; and that a great stimulus had manifestly been given to education even by the partial adoption of the competitive system. The effect in Ireland did not stop there. The hon. Gentleman the Member for the University of Dublin (Mr. G. A. Hamilton) would, if he spoke, be able to bear similar testimony to that which he had just cited. According to the testimony of Professors Galbraith and Haughton, of Dublin University, special classes had been established at that university for the purpose of preparing the students to engage in these public competitions. This salutary impulse affected not one class of students merely, but the entire body; and it also reached the pupils below them. The experience of the north of England was similar in its character. He hardly ever attended a meeting at a mechanics' institute without hearing a hope expressed that the principle of competition would be applied as a mode of admission to the public service. That system was, in fact, used as an argument to incite the young men to study, and it often induced them to turn their attention to many subjects to which they would not otherwise direct their minds. It was on these grounds that he ventured to submit this Motion to the House. He had drawn it up in the most moderate terms, believing that it was not the business of the House of Commons to dictate to Her Majesty's Government the details of a measure of this description. All he asked hon. Gentlemen to do was to declare that they were favourable to extending the application of the principle of competition, and that they thought the experience, detailed in the Report of the Commissioners, showed that it had worked well as far as it had gone, while there was every reason to believe that if carried further it would work still better. It might be that, in accordance with the opinion expressed by the Chancellor of the Exchequer last year, the system of limited competition should be applied to the higher offices, or the offices which he described as those of the first class; and that, in regard to those appointments to which the Secretary of the Treasury at present nominated, and with respect to which the right hon. Gentleman himself admitted that there was not sufficient security, the principle of open competition should be tried. All that he now asked the House to pledge itself to, however, was that it was desirable to press the Government forward in this matter, and that the system of competition ought to be more widely extended. Before sitting down, he ought, perhaps, to make some remarks in reference to a subject on which there appeared to be some misapprehension in the minds of some hon. Gentlemen. When this subject was brought before the last Parliament the erroneous notion seemed to be entertained that the advocates of competition wished that principle to be applied to promotion within the public service. That was quite a mistake. The conditions of the two cases were wholly different. In regard to first nominations, what they wanted was a system which would enable them to test the qualifications of candidates of whom they could have little or no previous knowledge. On the other hand, the clerks whom they had to promote must have been some time under the eye of their superiors, and daily engaged in that practical competition which was worth all the other competition in the world; and therefore on the heads of departments, who were the best judges of their capabilities, the responsibility for their promotion should rest. He should not have trespassed any longer on the attention of the House, were it not that he perceived from the notice paper that his noble Friend (Viscount Raynham) intended to move an Amendment to his Motion. He regretted that he could not agree to that Amendment, which it would seem, his noble Friend had not sufficiently considered. He was not enamoured of the system of limited competition—he would, personally, much prefer an open competition, but he wished to avoid the appearance of desiring to force the Government into the hasty and precipitate adoption of that principle. At the same time, he could not assent to vote for a Motion which would pledge the House to the opinion that a limited system of competition was the best. His noble Friend's Amendment was, "That it is desirable that the nomination of all persons desirous of competing for vacant appointments in the Civil Service should rest with the heads of the departments in which the vacancies occur." Take the case of the revenue departments. Did his noble Friend mean that the right to nominate should be vested, as it was now, in the Secretary of the Treasury, or did he mean to vest it in the Chairman of the Board of Customs and the Chairman of the Board of Inland Revenue? This point ought to be made clear. If the choice lay between nomination by permanent officers like the Chairman of those two boards and nomination by the Secretary of the Treasury, he (Viscount Goderich) would frankly admit that he thought it preferable that those nominations should be placed in the hands of the permanent heads of departments. But that arrangement would involve the introduction of a perfectly novel principle; and the noble Lord ought distinctly to show how he intended to carry it out. The Amendment would tie the hands of the Government more than his Motion, and in a much more objectionable manner. Having obtained a majority on this question in the last Parliament, he now appealed to the new Parliament because he could not help feeling that Her Majesty's Government had not fulfilled the hopes which they held out last year, but had retrograded, instead of going forward. Hon. Gentlemen were fresh from their constituents, by whom they must be aware that this subject was regarded with great interest; and he had the utmost confidence that he should that night receive their support. He did hope, however, that there would be no need to test the opinion of the House. Considering the moderate terms of the Motion which he was about to make, he entertained hopes that Her Majesty's Government would be induced to yield him their support; and it would give the greatest satisfaction to those who were interested in the subject if they thus showed—what, indeed, was all that any one had a right to expect—that they were anxious to extend the application of the competitive principle. He, for one, should deeply rejoice if the Government followed that course; but so much interest did he feel in the question, that if, unfortunately, they should be led to oppose the Motion, he should then feel it his duty to take the sense of the House. He should, therefore, conclude by moving—

"That, in the opinion of this House, the experience acquired since the issuing of the Order in Council of the 21st day of May, 1855, is in favour of the adoption of the principle of competition as a condition of entrance to the Civil Service, and that the application of that principle ought to be extended in conformity with the Resolution of the House, agreed to on the 24th day of April, 1856."

MR. BYNG seconded the Motion.

VISCOUNT RAYNHAM said, that he could assure his noble Friend that he was fully as anxious as himself to take the competitive system as the guiding principle which should govern the admission to employments in the Civil Service. While, however, he agreed to a considerable extent with what had fallen from the noble Lord who had just sat down, still he thought that he had made an omission in his Resolution, and that it was desirable to add to it a few words expressive of their opinion that open competition was not altogether expedient. In reference to that point, he would endeavour briefly to answer the observations which the noble Lord had made with so much ability. In the first place, the noble Lord had said that it was almost impossible for the heads of any department of the Government to make very searching inquiries into the characters of the persons nominated. Now, he differed from him in that respect, because he considered that the heads of departments really were responsible for the character of persons whom they placed in official situations. It was true that it was desirable that there should be as little Parliamentary influence as possible in making these appointments, and that proposition formed one of the principal arguments in favour of competitive examinations. The House would agree with him that talent and ability, however desirable in a public servant, were not all the qualities that were required; it was necessary that the character of the person seeking to fill an office should be unimpeachable, and some guarantees ought be given that the candidate was in all respects an eligible person to be appointed to the Civil Service of the Crown. His noble Friend had inquired whether it would not be better if these examinations were placed in the hands of permanent officers of the Inland Revenue Department. He should be very sorry to see such a course adopted, because, while he admitted that the use of Parliamentary influence in the obtaining of such appointments should be discouraged as much as possible, yet there were so many serious objections in his view to unrestricted and open competition, that he thought it best to continue the power of appointment in the hands of the Secretary of the Treasury. He considered that a very important principle was involved in the Motion, and although he did not object to its general terms in favour of competitive examination, he thought it better to add that it was not desirable that all appointments should be subject to competitive examination; and he should accordingly move to add at the end of the noble Lord's Motion the words—

> "And that it is desirable that the nomination of all persons desirous of competing for vacant appointments in the Civil Service should rest with the heads of the departments in which those vacancies occur."

The Amendment was put, but fell to the ground for want of a Seconder.

THE CHANCELLOR OF THE EXCHEQUER:—Any hon. Member who has listened to the perspicuous speech of the noble Lord the Member for the West Riding (Viscount Goderich), merely might have been induced to suppose that his Motion proposed to introduce some great and fundamental novelty in the mode of admission to the Civil Service. Now, I must be permitted to say, that a principle, not fundamentally new, but, nevertheless, of considerable importance, and in its extension and application novel, was introduced by the Order in Council cited by my noble Friend. Prior to that Order in Council, there was no test, except in a few cases, for ascertaining the fitness of candidates for the Civil Service; and in those cases in which a test existed, it was applied, not by any independent authority, but under the direction of Heads of Departments, who might be supposed to have some interest in finding that their nominee was qualified. By that Order in Council, a principle was established—that every candidate should undergo an examination into his fitness by an examination, not conducted by the Heads of Departments, but by independent Commissioners. This was a very important principle to adopt in regard to the Civil Service. Since that time, it has been proposed to set aside that Order in Council, to allow all persons to offer themselves as candidates, and to declare that there shall be perfectly free and open competition. Against that principle I have consistently contended, and I still entertain the objections I have before expressed in this House to that principle of perfectly open competition. But I have also stated that, consistently with the plan introduced by the Order in Council, a fair compromise might be made with the principle of open competition, by adopting, with respect to certain portions of the Civil Service, the principle of limited competition. By this plan the Heads of Departments or the First Lord of the Treasury would name a select number of persons who should enter into competition with one another for the vacant office. I stated last year that such a plan appeared to me to be well adapted to the chief departments of the Government, to the Treasury, the Secretaries of State's offices, and the other departments of that kind. With regard to a very large number of these departments, the principle has been already acted upon. So far, therefore, my noble Friend and myself were agreed at the end of last Session. I also stated that there was a large number of officers under the Crown who discharge duties that do not require a liberal education—duties, for example, of mere watch and ward—and that for duties which were little more than mechanical, it would be altogether absurd to demand the test of a literary examination. Of this kind were such posts as those of boatmen of the Customs, messengers, and village postmasters, with regard to whom there can be nothing like a general competition; it is necessary that a postmaster should have a house conveniently situate, and the number of competitors is, therefore, limited by conditions entirely different from literary examination. I think that my noble Friend, both in an address which he made in the Session before Easter and in what he has said this evening, has assented generally to the views I expressed with regard to that class of officers. The chief difference between us was as to that intermediate class of clerks and others who were said to require a liberal education in those departments in which the Treasury has the patronage. I stated last year, and I repeat it now, that I think it peculiarly desirable that the principle of limited competition should, wherever it is possible, apply to that class, inasmuch as these appointments are not made by the person who has an interest in the selection of efficient persons, which is the case where the Heads of the Department have the nomination; and whatever my noble Friend may say about the impossibility of the Heads of Departments making an examination, I think that, generally speaking, the Head of a Department will take care that the persons he appoints shall be able efficiently to discharge their duties. I think that under these circumstances the margin of practical difference between my noble Friend and myself is not very wide. I will ask my noble Friend to follow me in the statement I will now make with respect to those departments into which the plan of limited competition has been adopted as a condition for entrance. The principle has been applied to the following offices in England—namely, the Audit Office, the Board of Trade, the Civil Service Commission, the Colonial Office, the Education Department, the Home Office, and recently to the Customs and Inland Revenue Departments. I wish particularly to call the attention of my noble Friend to the circumstance, that it is the determination of my noble Friend at the head of the Government to introduce—I will not say as an invariable but as a general rule—the principle of limited competition in the case of the higher class of officers, as for example, landing waiters and gaugers in the two last-mentioned departments. Now, that I conceive to be an important statement with reference to the Resolution under our consideration, and to the speech by which it was introduced, in which my noble Friend asserted that no advance had of late been made by the Government in carrying out the principle of which he is the advocate. [Viscount GODERICH: When was the principle applied to those departments?] Recently. I may add that it has been further extended in England to the National Debt Office, the Office of Woods, the Office of Works, the Police Court, Bow Street, the Poor Law Board, the Treasury, and the War Office; while in Scotland it has been applied to the office of the Registrar General, and in Ireland to the Chief Secretary's Office, the Constabulary Office, the Loan Fund Office, the Lunatic Asylums Inspector's Office, the Public Metropolitan Police Office, the Receiver of Police Office, and to the Offices of Registrar General and Director of Prisons. To all these offices has the principle of limited competition been applied, and I may add that it will for the future be, as a general rule, extended to all those departments which are dependent upon the Treasury. I shall not speak of its extension to such a department as that of the Ecclesiastical Commission, inasmuch as, in my opinion, that cannot be regarded as a department connected with the general government of the country, and as its exemption from the operation of the principle cannot upon that account fairly be considered as a departure from the rule on which I have stated it to be, the disposition of the Government as far as possible to act. I may also state that it is the intention of my noble Friend the Secretary for Foreign Affairs to extend the system of limited competition, to the admission to clerkships in that department. I may further state that the only departments into which, so far as I am aware, the principle has not as yet been introduced, are the Admiralty, the Post Office, and the India Board. My noble Friend has called the attention of the House to a particular department, — I allude to the Exchequer Office, for the management of which I am supposed—but erroneously—to be personally responsible, and has observed that to that department the principle of competitive examination has not been applied. Now, I was not aware, until I instituted an inquiry into the matter, that a vacancy in that department was recently filled up, irrespective of all competition, upon the recommendation of the noble Lord who, as Controller, is at its head; and I can only repeat the assurance that the department is one for the management of which I am not personally responsible. Passing from that point, however, I feel confident that the House will agree with me in the opinion that the Government have not been standing still in relation to this subject, but that they have, upon the contrary, carried out, to a considerable extent, that principle of which the noble Lord is the advocate, and of which I, in the course of last Session, expressed my entire approval. But although I concur with my noble Friend as to the beneficial results which are likely to flow from the adoption of a system of competitive examination as a test of the efficiency of a candidate for the Civil Service, there are, I am bound to confess, no inconsiderable difficulties lying in the way of its general application. One of those difficulties consists in the circumstance that it is by no means easy to bring the candidates to one particular spot for the purpose of competition. If, for instance, you lay it down as a rule that all these examinations must be held in London, in Dublin, or in Edinburgh, it has been contended, and I confess with great show of reason, that you afford to persons living in one of those localities an advantage over those who reside in distant parts of the country. That such must be the case I think will be perfectly evident, if you consider for a moment that, inasmuch as the salaries attached to some of the clerkships, for which competition may take place, commence at a sum of only £80 per annum, you, by fixing upon London, for instance, as the place of examination, practically preclude a young man living 200 or 300 miles from the metropolis from undergoing the expense which travelling over that distance, as well as spending a few days here, would entail, in order to become a candidate at one of those examinations. The consequence would be that an undue advantage, amounting almost to a monopoly, would be given to those young men who happened to live in the neighbourhood of the place at which the examination might be held. I may, however, be told that it is quite possible to hold competitive examinations by sending the questions put at a particular place to different persons in different parts of the country, to be put by them to those who wish to offer themselves as candidates for the Civil Service. There would, I think, be found to be great difficulty in taking that course, and I am sure the House will concur with me in the opinion that it is no easy matter to lay down any inflexible rule upon the subject. Another obstacle to the adoption of any such rule consists in the circumstance that, whereas persons of different ages may compete at these examinations, they who are more advanced in years than their fellow-candidates will, *ceteris paribus*, possess an advantage which the latter will not enjoy, notwithstanding that the ability and general fitness for the public service of the younger candidates may be a thing beyond all doubt. At the Universities and at all our great public schools there is an equality of age among those who compete for honours, which leads to no such inconvenience as that to which I have just adverted; but in these examinations for the Civil Service no such equality would exist, and the consequence would be that the person who happened to be by three or four years the senior of another would have an advantage to which, so far as ability is concerned, he might not be at all entitled. These two difficulties, then, render it, in my opinion, inexpedient that this House should lay down any precise formula upon this subject of competitive examinations. I would, therefore, put it to my noble Friend—unless, indeed, he distrusts the assurances of the Government in this matter, and is dissatisfied with the explanation which I have just given—whether he would not act wisely in not calling upon the House to assent to the terms of the Resolution which he has proposed. That Resolution is very general in its terms. It calls upon the House to adopt the principle of competition as a condition of entrance into the Civil Service. Now, my noble Friend himself does not contend that all candidates for the Civil Service should be admitted upon the principle of competition. I do not think that with respect to a village postmaster, in whose case the position of his residence and his personal trustworthiness must constitute material elements for consideration, my noble Friend will maintain that a competitive examination upon the principle of testing the literary qualifications of the candidate would be desirable. Being of opinion, therefore, that the terms of the Resolution are wider than any to which we should be justified in assenting, and that it may lead to inconvenient consequences if passed by a vote of this House, I trust my noble Friend will not deem it to be his duty to press it upon the House for its acceptance.

MR. G. A. HAMILTON said, he begged to be allowed to address a few words to the House with respect to the influence of the principle of competition on the cause of education in Ireland. The question of education in Ireland had been for many years a most difficult and delicate subject, probably from the circumstance that the education of the lower orders in Ireland had been too much pressed forward. But however diverse might be the opinions of hon. Gentlemen upon that point, he never heard a second opinion with reference to the necessity of some stimulus to the education of the people immediately above the lower orders in Ireland, and he looked upon the establishment of this system of competition for public offices as one which was likely to be extremely beneficial. Dr. Gray, Mr. Galbraith, and Mr. Horton, the distinguished and able men to whom the noble Lord had referred in the course of his speech, the leaders of the movement in the University of Dublin, had applied themselves with extraordinary diligence, energy, and assiduity, to the encouragement of education in Ireland; and with reference to the effect of the competitive system their statements were most satisfactory. He had himself observed with gratification that in the various competitions for the public service his countrymen had occupied a distinguished place; and it was acknowledged that a large number of them had turned out successful candidates. It was a mistake to suppose that the effect of the system had been to encourage the practice of cramming, for it had been stated to him by Mr. Galbraith and Mr. Horton that in several instances gentlemen had been chosen for their general knowledge; while, on the contrary, several candidates who had got up particular subjects had failed in obtaining good places, thus showing that a really good education was the best mode of ensuring success. He considered, therefore, that considering the evident desire which existed among the youth of Ireland to compete for the public service, such a Resolution as that of the noble Lord was calculated to produce the most important effects on that country as regarded general education. The gentleman to whom he had referred also stated to him that it was most important that the examiner, whoever he might be, should have the public confidence, and that it was essential for that purpose that the examination papers should be published in order to afford the public an opportunity of inspecting them. With regard to the proposition itself, he understood by it that the Government were not to be stringently bound, but that it was, if adopted by the House, to be considered rather as an intimation of the course they considered it desirable that the Government should pursue. He felt persuaded that if the noble Lord at the head of the Government concurred in the views now advanced, the necessary steps would be taken to apply the system of competition to all cases which fairly admitted of it; and if the principle were admitted, he saw no objection to a Resolution of this kind. Indeed, he should have thought that the Government would have supported it. He, therefore, trusted that the House would, by passing the Resolution, impose upon the Government a duty which he hoped the Government would have no disinclination to observe.

Mr. J. EWART said, that as far as he was concerned he had never asked, and never would ask, the Secretary of the Treasury for a single place for any one. When his constituents sent an application to him, he felt it to be his duty to send it to the Secretary of the Treasury; but he hoped that the time would arrive when no hon. Member of that House could under any pretence obtain from the Secretary of the Treasury or any one else any appointment whatever, but that all places would be filled up in consideration of qualification alone.

Mr. ADAMS said, he should cordially support the Resolution of the noble Lord, and hoped he would take the sense of the House upon it, because there was certainly some distinction to be drawn between the view of the noble Lord and that of the right hon. Gentleman the Chancellor of the Exchequer. The difference was this: the noble Lord would throw open the door of competition to all who might deem themselves fit to enter into that competition, and desired that offices should be filled by the best men, without regard to politics as a qualification. The right hon. Gentleman, on the other hand, said he was in favour of a limited competition—that a certain number of candidates should be selected, and that the competition should be confined to those ten or twelve persons. But, who was to have the selection of these ten or a dozen candidates? Why, the same parties, for the most part, as at present. Suppose that a vacancy in a Government appointment in any particular borough occurred, it was quite impossible that the Secretary to the Treasury or Head of the Department should know anything of the qualification of a candidate; he therefore referred to the hon. Member for the place sitting upon that (the Government) side of the House. The hon. Member might possibly have some little knowledge of the candidate. However, a fresh delegation of the power of selection took place. Reference was made to a political agent, who finally selected the son, or brother, or cousin of one of his most active and influential political friends. Of this person the agent perhaps knew little, and the Secretary of State still less. There seemed no reason why a political leaning should not equally prevail under the system proposed by the right hon. Gentleman as under that prevailing at present. He could not see, therefore, that the principle of limited competition advocated by the Chancellor of the Exchequer would be any very considerable improvement upon the present practice; while he could as little see that there was anything impracticable in the Resolution of the noble Lord, which did not lay down the principle that under no circumstances should an appointment be made except upon competitive examination, but simply called upon the House to affirm the principle that the system of open competition should be employed whenever it could properly and practically be done. Only two objections had been brought against the principle of open competition. One was the distance of London from many places where vacancies occurred, and from the residence of many of the candidates. Another was, that an unfair advantage would be given to those who were of more mature age than many who might present themselves. The first he (Mr. Adams) thought was not a very strong objection in these days of locomotion and cheap travelling. Besides, considering the spread of mechanics' institutes, he would never believe that the means would be wanting to a youth of promising ability to make a journey to London to be examined. As to the question of difference of ages, he did not think the example cited by the right hon. Gentleman was a happy one. At the University all the men might be considered to be at school together; and men of two years' standing would have an advantage over those of only one. But in a general examination it would be otherwise; and young men who had just left school would be very far more fit for a competitive examination than those who had left for several years. In such a case the youngest men would probably succeed best. But it was not merely that a system of competition would give the Government the service of the best men—it would give a greater encouragement to serious study and a more urgent stimulus to the spread of sound knowledge than all the Acts of Parliament ever passed, or than all the societies, whether of arts or for other purposes, which had been established by private benevolence. Often when he (Mr. Adams) had been addressing working men at mechanics' institutes and such places, he had been met with the exclamation, "What is the good of this knowledge to me? I have quite enough already for my business of a carpenter," and so forth. More would be gained by letting these men know that real practical advantage was to be gained from study than by all the lectures in the world. It was with the utmost possible pleasure that he supported the Resolution of the noble Lord, and he hoped that, in order to test the sincerity of the Government and the sincerity of the House, he would press his Motion to a division.

MR. CLAY said, that he would go nearly the whole length of the hon. Member who had just sat down, as an advocate for a system of open competition. That, however, was not the object of his noble Friend's Motion, and the difference between his noble Friend and the right hon. Gentleman was so slight that he confessed it had escaped his observation. His principal motive for rising, however, was because he objected to anything being painted blacker than it really was, and, consequently, to express his opinion that the present system of filling up the lower places in the Civil Service was not so bad as it had been represented to be by the hon. Member (Mr. Adams)—a fact which, he was sure, the hon. Gentleman would himself admit, when he had had a little more experience in these matters. It was true that the system of nomination by Members of Parliament was a most annoying one, and, so far from increasing, diminished the influence of hon. Members, because for every applicant who obtained an appointment, there were necessarily hundreds who were disappointed; but he did not see how it could be superseded, except by open competition. The members of the Government could know nothing of the persons who applied for appointments in different boroughs, but the hon. Members for those places were not equally ignorant of their qualifications, nor was it at all necessary that they should delegate the nomination to their political agents to be used for political purposes. He (Mr. Clay) did not profess himself to be more honest or better than his neighbours; but in the majority of cases in which he recommended persons to appointments he was acquainted with them, and considered himself responsible for them. Where he had no such knowledge he did not consult his political agent; he consulted gentlemen of the town which he represented, whom he believed would not deceive him; and this he did so impartially that he scarcely recollected making an appointment the candidate for which was not recommended by some of his political opponents as well as by his political friends. The nominations to situations in the Post Office had recently been withdrawn from Members of Parliament and given to the resident postmasters. While he rejoiced at this as relieving him from a great deal of trouble, he did not think that the new plan was at all superior to the old one. So long as the appointments in the Post

Office were given through Members of Parliament, he made a point of consulting the postmaster before making a recommendation, and generally induced him to give a short trial to the person whom he intended to recommend to the Treasury. The postmaster of the borough which he represented (Hull) was one of the strongest Tories in the place, and though a personal, by no means a political friend of his. He trusted, therefore, that the hon. Member would in future look upon the House of Commons as less impure than at present he appeared to consider it.

VISCOUNT PALMERSTON: I quite agree with my hon. Friend who spoke last, that the difference between my noble Friend who made this Motion and the Government is exceedingly small. Indeed, it is so small, that I hardly think it worth while to give the House the trouble of dividing upon the question. I accept the Motion of my noble Friend, however, according to his own interpretation of it, and not according to the interpretations which have been put upon it by other hon. Members. The hon. Gentleman opposite (Mr. Adams) is, in fact, though he does not say so in so many words, for the universal application of a system of general competition—that is to say, he desires that every vacant appointment under Government should be advertised, and that whoever knocks at the door and claims to be examined, should be examined for the appointment which he desires to obtain. We have often been told in this House, that Government ought to shape its course according to the example of private individuals, of merchants, of shipowners, and of railway and other great companies. Now, I have yet to learn that merchants, bankers, railway companies, or any other private associations fill up their appointments in the manner thus recommended. I may be misinformed, but I apprehend that they look out for persons who are not only qualified by their talents and attainments for the situation which they are to fill, but whom, from their position and connections, they may think trustworthy and fitted for the discharge of its duties. My hon. Friend who spoke last has clearly explained how the recommendations of Members of Parliament, to which a certain responsibility attaches, may be accepted as evidence of the respectability of the position and connections of persons who may be candidates for examination; but the House must run away with the notion, that all these appointments are invariably given upon the recommendations of Members of this House. The Government are open to applications from any other persons in respectable situations in life, who may, upon their responsibility, recommend persons as candidates for appointments. I so far concur with my noble Friend, as to think that the principle of competition is better than that of direct and single examination. All human efforts are liable to failure and to defects, and it is quite certain that the principle of competition does not always give you the man who is best fitted for the vacant situation, because there are qualities of character, of habits, and of temperament of mind, which cannot be tested by an examination as to mental attainments only. At the same time there is this to be said, that a young man, who, at the time of life at which candidates present themselves for clerkships, does not possess the knowledge required according to the prescribed plan of education, must be deficient either in natural capacity or in power of mind and application, and in neither case would he be a fit person to hold an appointment under Government. A system of competitive examination does bring out the character of young men, the presence of mind, and the power of application in a short space of time, better than the process of individual and separate examination. On that ground I have adopted in the Treasury, and I have recommended in other departments, a system by which, when an appointment is vacant, instead of nominating one individual, a number of young men are nominated, and the best out of that number is appointed to the vacancy. I think the system of examination has been attended with great advantage to the public service. In former times, for want of such a system, a great many young men were appointed, against whom there was no presumption of incapacity, nor any ground for supposing that they would be incapable of filling higher appointments when it came to their turn, but who, nevertheless, either by deficiency of natural ability or want of power of application, did not come up to the mark, and the consequence was, that the higher appointments in the public offices were filled by persons who, if there had been any choice in the matter, would not, perhaps, have been placed in situations of such responsibility, and where so much was required from them. I, therefore, augur well for the public interest from the establishment of this system. I certainly concur with my noble Friend, in thinking that the principle of running a number of young men one against the other, and seeing who wins the race, is much better than the walk-over of a single candidate. Upon these grounds, and taking the Motion of the noble Lord upon his own showing, I am not prepared to negative it. Had it not been for the explanation of my right hon. Friend the Chancellor of the Exchequer, which showed to how great a degree this principle has been adopted by the Government, it must have been supposed that this was an attempt on the part of the House of Commons to force on the Government a system to which they were averse. But the explanation of my right hon. Friend proves that we quite go along with my noble Friend in approving the system which his Resolution lays down; and the Resolution, therefore, of my noble Friend will have the effect of strengthening the hands of the Government, and will enable us with a better face to carry out a system of which some persons might otherwise very loudly complain. I trust that it will have the effect of strengthening the hands of the Government, and that, at all events, it will satisfy those who are unsuccessful in the race that the Government are only acting on a system which is founded on a regard for the public interest, and that they are going along with the House of Commons in working out a principle which will enable the Government to obtain the best men for the public service.

VISCOUNT GODERICH said, there had been such an unanimous feeling in favour of his Motion that he only rose to express his best thanks to the Government for the course which they had taken with regard to his Motion. That course was most creditable to the Government. The Chancellor of the Exchequer had detailed to the House what the Government had already done in this matter, and he admitted readily that since he had last brought this subject before the House, a few months ago, the Government had taken several most important steps. The Revenue Department and the Foreign Office had both, to a certain extent, been thrown open to public competition, and there only remained the India Board and the Admiralty in which the principle had not been put into practice, but after the speech of the noble Lord at the head of the Government accepting his Motion, he could not doubt that the principle would soon be universally adopted. Of course he had not meant by his Motion that every appointment in the public service should be made on this principle, nor did he understand the hon. Gentleman the Member for Boston (Mr. Adams) to have maintained such an absurdity in his able and striking speech. The principle embodied in the Motion being in conformity with the ideas of the Government, he had only to say, that when he laid the Motion before the House he had no means of knowing the steps which had been taken by the Government—some of them, he believed, since he had placed his notice on the paper. The unanimity with which his Motion had been received must be a source of the greatest gratification to everybody interested in the subject.

Motion *agreed to.*

Resolved, That, in the opinion of this House, the experience acquired since the issuing of the Order in Council of the 21st day of May, 1855, is in favour of the adoption of the principle of competition as a condition of entrance to the Civil Service, and that the application of that principle ought to be extended, in conformity with the Resolution of the House, agreed to on the 24th day of April, 1856.

PRIVATEERING.

PAPERS MOVED FOR.

MR. LINDSAY said, he rose to move an Address for copies of Mr. Marcy's letter to the French Government, in answer to the communication of the Resolution of the Paris Conference upon the subject of privateering; and of any other papers or correspondence that may have passed between the British Government and other Powers upon the same subject. Those papers related to a subject of some importance to England as a maritime nation. Certain Resolutions had been agreed to at the Conferences of Paris relating to the question of neutral rights and privateers. When these Resolutions were brought before the American Government they had readily consented to the majority, but had refused to give in their adhesion to that proposition which dealt with the rights of privateers, as it would be a surrender on their part of a strong arm of defence and aggression. He asked for papers with the view of putting hon. Members in possession of information on this subject; for the House would sooner or later be called on to decide whether we should stand by our present declaration or adopt the American view—that private property should be as much respected at sea as it was on shore. That was the question at issue; and he hoped to be able to bring it before the House in the course of another Session. In a state of war this country could not stand by the declaration which it had made. We must go forward having done so much, for at present a neutral flag covered neutral goods, except contraband of war. We had five million tons floating in ships, our exports were 100 millions, and our imports nearly the same; and therefore the question was of far more importance to us than to any other country. What would be the consequence if we were engaged in a war with America or France? The premium to marine assurances on ships not under convoy would be increased 10 per cent. For ships under convoy there would be 5 per cent war risk on British ships; and then the British merchant, whatever might be his patriotism, would not ship in British bottoms. What would then become of our five million tons of shipping? Why, they would remain locked up in port during time of war. The House should consider the position in which they stood, and it was for that reason he asked for the papers, in order that hon. Members might become thoroughly acquainted with the subject. All that he asked was, that Government should lay the papers on the table, and if he should be successful, he would then make a substantive Motion calculated to elicit the opinion of the House.

The Motion was seconded by Mr. C. GILPIN.

Motion made, and Question proposed, "That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, copies of Mr. Marcy's Letter to the French Government, in answer to the communication of the Resolution of the Paris Conference upon the subject of Privateering:

And, of any other Papers or Correspondence that may have passed between the British Government and other Powers upon the same subject."

VISCOUNT PALMERSTON: I am sure that my hon. Friend and the House will feel that it is not usual to ask, and that it is not competent under ordinary circumstances for the British Government to grant the production of papers which have formed the subject of correspondence between two other foreign States. We have no right to lay before Parliament communications between the Government of America and that of France, or any correspondence which may have ensued thereupon. But, in point of fact, we are not officially in possession of that letter of Mr. Marcy's to the French Government. The document is one which does not exist in the Foreign Office in such a shape that it could be laid before Parliament, even with the consent of the French Government. But that is a mere technical objection. I apprehend what my hon. Friend means is, that we should lay before Parliament any correspondence between the British Government and the American and French Governments on this subject. Sir, what happened was, that the Resolutions of the Paris Congress were communicated by the parties to them to all the other maritime States, and amongst others to the United States. The Government of the United States gave to the French Government an answer exactly in the terms stated by my hon. Friend; that is to say, they were willing to agree to those propositions, including the cessation of privateering, provided that private property at sea should no longer be subject to capture. That communication was made by the last Government of the United States, and the matter was one which everybody will see was a subject which required the gravest and most deliberate consideration on the part of the British Government; as, whatever might be the opinions at the first blush, one way or other, no one could fail to see on reflection that the question is one deeply affecting all the great interests of the country, commercial, political, and naval; and it was clear that no answer could be given to such a communication without long and mature consideration. But in the meantime a change took place in the Government of the United States, and before any answer was sent by the British Government to America the new President came into office, and an intimation was made that the American Government did not wish that any answer should be sent to the proposition of their predecessors, and that, in point of fact, they wished to consider that communication as suspended, and the negotiation not going on. Under these circumstances, I trust that my hon. Friend and the House will feel that it is not desirable to lay before Parliament this communication. In this state of things I certainly shall not enter into any examination of the reasons for or against the proposition made by the Government of the United States; but there is one branch of the subject upon which I wish to make one qualified remark. My hon. Friend considers the question to be simply whether the practice which prevails with respect to hostilities by land should or should not be applied to hostilities at sea. If hon. Gentlemen will consider a little the historical facts as to what has been the practice pursued in war upon land, they will see that there is no very decided and absolute rule as to that matter, but that the practice has varied very much from time to time in different countries in respect to the manner in which armies have treated the property of individuals in a hostile country. It is difficult at once to apply to private property on the sea the same rule which has applied to property on land. I am sure, however, the House will feel that this is not a question which can be discussed incidentally on a Motion of this sort, when the negotiations are suspended between the two Governments at the express wish of the Government of the United States; and I trust that my hon. Friend, after the explanation I have given, will not press his Motion, part of which could not be agreed to, as there are not the materials, and the other part of which it would be inexpedient to assent to, as it relates to negotiations not only pending, but suspended, at the wish of the Government who took the initiative steps.

Mr. BENTINCK said, that the subject was one of paramount importance, and he regretted that the noble Lord had not adverted to the important points raised by the hon. Member for Tynemouth, and more especially as to the intentions of the Government with regard to the maintenance of the declaration if this country were involved in a war with one of the great Powers of Europe. It was impossible to advance with regard to this declaration. It was a solemn farce, and moreover dishonest on the part of this country to make a declaration which it would be impossible to carry out. We must recede at any cost, even at that of the reputation of this country for integrity, as the carrying out of the present declaration in time of war would be tantamount to the destruction, not only of our mercantile marine, but of the maritime supremacy of this country. Foreign countries would be the gainers by this declaration, as had been proved by the course taken by Russia in the last war. Under such a declaration he defied any man to point out how any war could be brought to a termination. Hitherto England's strength in war had consisted in crippling the commerce of her enemies; and he hoped the Government would afford some explanation as to their intentions with regard to their persistence in the present declaration.

Lord JOHN RUSSELL:—I do not wonder that the Government decline to accede to the Motion, as it appears that the paper which is moved for is not in the possession of the Government, but certainly the question raised is one of the utmost importance. The hon. Gentleman says that, in the event of a war, all the goods sent in English vessels under convoy will require 5 per cent, and in ships not under convoy 10 per cent additional premium. The hon. Gentleman has naturally argued that, with such additional payments, the manufacturers of this country will send their goods in neutral ships, and thus the maritime trade of this country will, in fact, be destroyed. That is a very serious thing, and I really should like to hear some statement upon the part of the Government, of the grounds of their entering into this declaration. It appeared to me that, when we were engaged, in conjunction with France, in a war against Russia, we could hardly do otherwise than carry on the war upon the same principle as France. The principle adopted during the war was, that free ships cover free goods. But, at the end of the war, we were not under the necessity of making any concession of the opposite principle, which was certainly in conformity with the law of nations, and to which this country had hitherto adhered. There was no notice given to the people of this country, or to either House of Parliament, that any such question would be discussed. We all supposed that the Earl of Clarendon went to Paris with a view to make peace with Russia: but, with respect to a question of maritime right, there was no preparation in the public mind, and the people of this country must have been surprised that it was introduced. I hardly think the Government could consent to abrogate, as the hon. Gentleman (Mr. Bentinck) proposes, a declaration which was solemnly agreed to by their plenipotentiary. I am afraid we must be bound by the declaration. I am afraid that the consequences are so serious as to show that such a declaration was very imprudent, and I cannot but agree with the hon. Gentleman (Mr. Lindsay), that England ought to preserve her maritime superiority. The comparison between private propery in ships and private property on land is not tenable. I do not think there is any real comparison between them. It is quite obvious that a farmer, cultivating a farm, and having its produce in the middle of France or the State of Virginia, has placed his property in quite a different situation from a manufacturer who has put his goods on board a large fleet in the British Channel, navigated by 7,000 or 8,000 mariners competent to man a fleet against this country. There is no comparison between the two propositions, and therefore I cannot but think that, in point of principle, the declaration of Paris ought to be altered. The whole matter is most unsatisfactory, and most grave in its bearing upon our maritime supremacy. I quite agree that the way in which we have been able to finish wars with great Powers, especially with France, has chiefly been by destroying the enemy's trade. We have brought the Powers with which we have been at war to such a state that their finances have become disordered. They have then been ready to listen to terms of peace, and thereby the wars have been terminated. But now, if we were at war with America or France, they could maintain their trade in full vigour, because manufactured produce throughout the world could be sent in neutral vessels in perfect safety. They would have no reason for making peace. They would not be distressed. We might gain naval victories, but our successes would not produce peace. We might drive all their vessels of war from the seas, but we should not thereby gain the end of all war, which is an honourable peace. The state of this question is to me very alarming, but I do not see that a breach of faith would at all mend our position.

Mr. LINDSAY said, the noble Lord who had last spoken had misunderstood him. He did not say they should not abide by the declaration, but that, if they did abide by it, the whole carrying trade of this country would pass under a neutral flag. The consequence of that would be that, instead of maintaining our present position, as the first maritime Power in the world, we should become a sixth-rate Power; for there would be no employment for our ships, as the whole trade of the country would pass into neutral ships. He did not wish to throw aside a solemn declaration, but he said the people of this country would not abide by it, and would appeal to the House for its abrogation, and the House would be compelled to listen to, and give effect to that appeal. Having made this explanation, it was not his intention to press the Motion.

Lord JOHN RUSSELL observed, that he was very glad that the hon. Gentleman did not mean what he had supposed.

Sir CHARLES NAPIER said, he had expected that some Member of the Government—the First Lord of the Admiralty—would have addressed the House after the speech of the noble Lord the Member for the City of London. He agreed with the hon. Gentleman who brought forward the Motion, that it was impossible we could remain in the position in which we were at present. The noble Lord said we could not break the engagement. He did not think we could. Diplomacy had drawn us into a very impolitic engagement, and it was for the noble Lord, or some clever diplomatist, to get us out of it. If they were determined to abide by the declaration of the Earl of Clarendon, and a war ensued, we must blockade every port which the enemy possessed. It must be not a mere paper, but an efficient blockade, and in the event of a war with France, such a blockade, with the navy we possessed, could not at the first start be established. Double or treble our navy would not be sufficient to blockade all the ports of France; and it must not be forgotten that seamen discharged from French merchant vessels would go into French ships of war, and increase their force, while our force in men would be diminished in consequence of our loss of trade.

Motion, by leave, *withdrawn.*

SLAVE TRADE (AFRICA).

ADDRESS MOVED.

Mr. BUXTON rose to move—

> "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to employ all the means in Her power in order to put down the African Slave Trade, and to obtain the execution of the Treaties made for that purpose with other Powers."

He said that in doing so he was anxious not to embarrass the action of the Government on this subject, but if possible to strengthen their hands in dealing with other nations upon it, by a cordial expression of opinion on the part of the House of Commons. He was sorry to say that there had been a great increase of the slave trade between Cuba and the coast of Africa. In 1847 the number of slaves imported into Cuba was only 1,000; but in the last two years they had reached

12,000 or 13,000. As an illustration of the suffering of negroes in the course of this trade he might mention the case of a vessel of 150 tons, which was taken a few weeks ago by one of our cruisers, with no fewer than 500 slaves on board. The poor creatures were crammed between decks, where they could neither stand up nor lie down, and such were their sufferings from want of air, water, and food, that 140 perished in a few weeks. As a matter of humanity alone, he thought the House ought to require that this infamous traffic should be put down. But happily in this case humanity and wise policy went hand in hand. The greater was the increase of the slave trade the less would be the opportunities afforded of legitimate trade on the coast of Africa. That commerce promised an extraordinary development. A few years ago there were scarcely any exports from the coast of Africa, but, chiefly from our having maintained a strong squadron there, legitimate traffic had taken deep root, and the exports of palm oil and other matters to all parts of the world were now valued at £3,000,000. But the resources of the country were, in fact, boundless, and promised us a vast supply of gold dust, arrow-root, ivory, timber of all kinds, and many other commodities. The most important feature connected with this trade, however, was the prospect of our getting a large supply of cotton from that coast. It was ascertained only three or four years ago that cotton was to be had there in very considerable quantity and of the same quality as that we got from America. A gentleman interested in the subject had brought to England two intelligent negro lads, who had been trained in all the processes of cotton growing and cleaning, and then sent out to Africa. Agents also had been established for the purpose of holding out inducements to the negroes to engage in this species of industry. The plan pursued was to exchange cotton gins for so much cotton brought in, and in that way one or two hundred cotton gins had been bartered with the natives in the last year, and 10,000lbs. of cotton had been brought to Manchester and sold at the same price as that imported from America. It, therefore, became us, not only as a Christian country, but as leading the commerce of the world, to foster and encourage this trade, and the best way to do that was to act vigorously in putting an end to the slave trade. Indeed, a sense of our own dignity ought to induce us to take steps for its prevention, for we had been completely bamboozled on the question by Spain. The existing slave trade was carried on in direct violation of our treaties with Spain. In 1820 she pledged herself to abolish the slave trade, but she did nothing till 1835, when the Queen Regent Christina promised to pass a severe penal law against the traffic. Ten years elapsed before that law was enacted, and up to the present day Spain had refused to make the slave trade piracy. There was every possible connivance by Spain at this trade in Cuba, and it was notorious that from the Captain General down to the lowest official, every one of the Government officers in that island participated in the profits of the trade. Even when captured negroes were set free in Cuba they were brought back to slavery; for when they were emancipated by decrees of the Mixed Commission Court, they were handed over to slave owners on payment of certain fees, which were supposed to go to support the charities of Cuba. Spain had cheated us in every way, and done her best to foster this abominable trade. She had induced this country to give her £400,000 as a compensation for suppressing this traffic, and after taking the money she had done all she could to sneak out of her bargain. He could not use stronger language on that point than that used by the noble Lord at the head of the Government, in a despatch to Lord Howden. The noble Lord said:—

> "That for fourteen or fifteen years the engagements entered into by Spain with regard to the slave trade had been violated; that slaves had been allowed to be taken into Cuba; and those violations of treaties and engagements could not and would not have happened to any Government which was determined to prevent them."

We need not be embarrassed by any feeling of delicacy towards Spain, or treat her with respect in this matter, for she had shown that she had no respect for herself. He wished to inquire from the noble Lord whether it would not be possible to adopt with regard to Cuba the same course which had been pursued with regard to Brazil. He knew that there were some hon. Gentlemen in that House of such original minds as to think that Brazil had not suppressed her slave trade in consequence of our interference. But how stood the facts? Why, that when the British Government threatened to send our cruisers into the Brazilian waters, for a time the trade was stopped. Afterward it was renewed, and then our cruisers were sent into the Brazilian waters. Upon this the Brazilian Government said that if our cruisers were withdrawn they would put down the trade, and they did so. He (Mr. Buxton) had a lingering faith in cause and effect, and he believed in this case there was a notable instance of cause and effect. He could see no reason why the same course should not be pursued with regard to Cuba which had been so successful with Brazil. The proper way would be, to send our cruisers into the waters of Cuba, and say openly that we would no longer permit this trade, and there was no doubt that it would be suppressed. Except for the purpose of influencing Spain, it was doubtful whether our cruisers would be so effectual in capturing slavers on the waters of Cuba as on the coast of Africa. The number of ports on the coast of Africa in which the slave trade was carried on was much smaller than was generally supposed, while the coast of Cuba was 1,500 miles in extent, much indented with creeks and bays, and the great number of vessels engaged in legitimate trade on that coast would materially interfere with the operations of the cruisers, by rendering it difficult to distinguish the slaver from the honest merchantship. Perhaps the best course would be, to make our squadron on the coast of Africa as effective as possible, placing there our swiftest cruisers, and adopting the inshore system of tactics, as had been recommended by naval men, instead of cruising in the open sea. A further suggestion had been made by a high legal authority, who was anxious for the suppression of the slave trade — that, whenever a slaver was taken, instead of allowing the captains and mates to go scot-free, some punishment, either imprisonment or transportation, should be inflicted upon them. To this, no doubt, it might be objected that it might involve us in difficulties with other nations, but this might easily be settled by expressing our perfect readiness to give up these persons to such nations as liked to claim them. It would rarely happen that any nation would wish to obtain possession of such scoundrels. It had been also suggested that the best way to prevent the slave trade would be, to promote the supply of free negroes into our own colonies, so as to enable them to compete with Cuba. Every one who was interested in our West India colonies would be glad to see a large supply of negroes if they went there of their own accord. On parts of the coast of Africa, as at the Gold Coast and Sierra Leone, where we possessed authority, the Government might encourage the immigration of free negroes, but if any person was to be allowed to go to any part of the coast and get labourers, it would in fact be slave trade and nothing else. The negroes were extremely indisposed to quit their own country, and it was to be doubted, moreover, if their labour would be of much value unless given of their own free will. It was stated that the planters of Martinique had petitioned the Emperor of the French not to allow the importation of free negroes there. He (Mr. Buxton) was of opinion that the attempt of the French to procure free negro labourers would really end in the revival of a slave trade. The negroes would be bought from the King of Dahomey, who would make war on different tribes for the purpose of obtaining them. Indeed, it was stated that, at Abbeokuta, where the cotton-growing experiment of which he had spoken was being tried, they were expecting an invasion from the King of Dahomey, for the purpose of obtaining slaves. What he wished to enforce on the Government as proper to be done on this question by them was, in the first place, to show Spain that, if she could not or would not suppress the Cuban slave trade, we could go into her waters, and do it for her; secondly, to make our squadron on the coast of Africa a more effective one; thirdly, to induce Spain to declare the slave trade to be piracy: and, fourthly, to punish persons taken in the act of carrying on the slave trade; while, if we could also promote the immigration of free negro labourers into our colonies, so much the better; and, if these courses were taken, he believed the result would be the complete suppression of this abominable traffic. It was a common feeling, that it was no use for us to attempt to suppress the iniquities of other nations, and that our endeavours to put down the slave trade had been a failure; but, in point of fact, our success had been splendid. In the beginning of the present century, the slave trade was carried on by Turkey, Denmark, Holland, Portugal, Spain, England, France, the United States, and Central America; now it was suppressed in all of them with the exception of Spain, and there it existed only in the island of

Cuba. He thought, therefore, that there had been a remarkable success in the suppression of the trade. Fifty years ago the trade was not discountenanced by public opinion, and a large capital was invested in it, while its opponents were a band of obscure men of the middle class, and yet they had not only induced our own Government to suppress the trade, but also to interfere and induce other nations to do so. Indeed, the policy of England in this question had not only been praiseworthy for the originality of its conception, but for the perseverance with which it had been carried out. No two men now alive had done so much to put an end to this iniquitous traffic as the noble Lord at the head of the Government and the noble Lord the Member for the City of London (Lord J. Russell), and he hoped the House would, by assenting to the Resolution, strengthen the efforts of the Goverement to put down the remnants of this brutal and unchristian commerce.

MR. GARNETT seconded the Motion.

MR. NEWDEGATE could not refrain—while rendering his humble support to a Motion which had been so ably brought forward—from reminding the House what had been the predictions of his late lamented friend Lord George Bentinck, consequent upon the withdrawal of protection from our West India colonies. And though he should rejoice to see the noble Lord at the head of the Government adopting the measures pointed out for the suppression of this abominable traffic, still it could not but be denied that all those measures would be more than counterbalanced by the direct encouragement given by England to the production of slave-grown sugar. The consequence of the withdrawal of protection from the West India colonies had been to raise the price of sugar, and the result of that had been that the slave-owners had diverted the labour of their slaves from the production of cotton to the field of diminished produce—the cultivation of sugar. The staple manufacture of England had, therefore, been threatened to a most serious degree. Although he could tender his most cordial support to the Resolution before the House, still he hoped hon. Gentlemen would forgive one who held in mind the unwearied exertions of the late Lord George Bentinck to impress upon the country what must be the certain results of the abandonment of protection in the case of our sugar colonies—if he reminded them that it had been foretold, over and over again, that England would yet have to struggle against an increased disposition to traffic in human beings, without her reaping the advantages so fondly anticipated in the lasting prosperity of the manufacturing districts. Those were matters which it might be too late to remember; but he mentioned them in order the more strenuously to impress upon the Government the necessity of England at once making such exertions for the suppression of this abominable traffic as came within the focus of the policy of the present day.

MR. WATKIN observed that he could not help thinking that the hon. Gentleman (Mr. Buxton) had overlooked the fact that the success of the slave trade was mainly owing to the great value of slave labour to the countries where it was enforced. He believed it to be a fact, that the value of a slave had increased within the last ten years, in the southern states of America, from £100 to £300. It was, perhaps, a very mournful circumstance to mention, nevertheless it was a fact, that while the consumption of cotton had doubled within the last twelve years, the free labour employed in its production had only increased at the rate of 28½ per cent. since 1790. At present four millions of our population were employed, or at least fed, by the cotton manufactures; and of the 1,000,000,000 lbs. of the raw material imported every year, 700,000,000 lbs. were produced by slave labour, and only 300,000,000 lbs. by free; so that there were in this country 2,800,000 persons dependent for their bread upon slave labour. The people of this country were therefore responsible more than any other in the world for the slave trade. No doubt violent means of repression might go a great way to put down the slave trade, but still the chief cause of the trade would remain—that, however, was within their own control. It seemed to him, therefore, that if England were to direct her attention more to the means of substituting free-labour cotton for slave-grown cotton, she would be doing greater things for the suppression of the slave trade than by addressing remonstrances, however just, to the Emperor of the French, or by increasing her squadron on the coast of Africa.

VISCOUNT PALMERSTON: Sir, I cordially agree to the Address which my hon. Friend has proposed. I am sure the

House will do the Government the justice to believe that that Address only embodies the feelings and wishes of the Government. No doubt, the adoption of that Address by such an assembly as this will prove to the world how anxious England is for the completion of that work which so long engaged her attention. My hon. Friend has justly remarked that there is perhaps nothing more remarkable in the history of the world than the progress that has been made with respect to the question of the slave trade and slavery, by the exertion of this country throughout, I may say, the whole of Europe. There was a time when the general prejudice of this country ran in favour not merely of the existence of slavery, but of the slave trade. It was a few noble-minded men who originally started that view of the matter which has since prevailed, and who by their persevering exertions and the goodness of their cause won their way, first of all by procuring the abolition of the British slave trade, and next by enlisting the exertions of the British Government to procure from all other countries declarations and treaties for the abolition of the slave trade generally, and ultimately crowned their efforts so far as concerned England by the abolition of slavery itself in this country. Sir, that indeed would be a noble passage in the history of any country, and it would be truly mortifying if the exertions of the country to put an end to this abominable crime were defeated by the bad faith or a want of exertion on the part of a Government which has bound itself by solemn treaties to co-operate with us to the fullest extent in the extinction of the traffic. My hon. Friend has clearly pointed out some of the many advantages which have accrued to this country from the suppression of the slave trade. He has shown the great increase of legitimate commerce that has resulted from the intercourse between this country and the coast of Africa. He has pointed out the enormous increase in the importation of palm oil and other articles, and he has touched upon the trade in that article, of which we stand so much in need, and the importation of which might be greatly increased by a little effort —I mean the article of cotton for our manufactures. When it is remembered that almost the whole population of Western Africa and the people far in the interior are clothed with articles made of cotton, it is manifest that the cotton plant must be well adapted to the soil and climate of that part of the world. It is quite evident, also, that if pains were taken by the capitalists and merchants of England to obtain a supply of cotton from thence, Africa would in a short period become quite as prolific a source of supply as any other part of the globe. Therefore, regarding the matter merely in the light of national interest, and divesting it of those higher considerations which have hitherto governed our conduct, the House will see that the suppression of the slave trade, which is a *sine quâ non* condition of the development of legitimate traffic in Africa, is well deserving the attention of this country. I regret that the Spanish Government have not been as alive as they ought to have been to the pledges which they gave for the suppression of the slave trade in their dominions. It is quite true they have forgotten too much the money payments we have made to secure their co-operation in that object. At the same time, we know that there are temptations in Cuba which it is very difficult for the Governor, or for any of the other officers there, to resist; and we also know that there has exsisted an apathy on the part of the mother country to fulfil the engagements he has undertaken. When the hon. Gentleman, however, says that we ought to apply the same measures to Spain as to Brazil, he must allow me to point out the difference between the two cases. Brazil had bound itself by a general agreement to put an end to the slave trade; but it refused, when the former treaty expired, to enter into any new treaty which should establish detailed arrangements for executing the general engagement. In that state of things the Government of England acted towards Brazil as it had before done towards Portugal under similar circumstances. A law was passed authorizing the capture of Brazilian slavers, and the adjudication upon those ships, not before a Brazilian Court, but before the Court of Admiralty of this country. But Spain has not refused to enter into treaty engagements. We have a treaty with her by which all Spanish slavers captured by our vessels should be taken before mixed Courts of Commission. Therefore, as long as that treaty remains, unless we can show that there has been a deliberate and positive violation of its stipulations, we have not the same ground of proceeding in regard to Spain as we have towards Brazil. I can only say that I thank my hon. Friend for having elicited from this House what I trust will be an unanimous vote in favour of the Address which he has moved; and I beg to assure him and the House that no efforts shall be wanting on the part of Her Majesty's Government to give full effect to his feelings and wishes.

Motion *agreed to.*

Resolved, That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to employ all the means in Her power, in order to put down the African Slave Trade, and to obtain the execution of the Treaties made for that purpose with other Powers.

COUNTY AND DISTRICT SURVEYORS, &c. IRELAND BILL.

COMMITTEE MOVED FOR.

MR. G. A. HAMILTON said, he rose to move for a Select Committee, to "inquire into the duties, functions, and mode of remuneration of County and District Surveyors, and Assistant Surveyors in Ireland, and also as to the best mode of examination to be henceforth adopted in reference to such officers, with a view to establish a system of competition, and secure to the public the services of the best qualified candidates." As his right hon. Friend the Secretary of the Lord Lieutenant of Ireland was good enough to assent to his Motion, it would not be necessary for him to trouble the House with more than a few observations. The object which he had in view was this. He remembered it to have been stated many years ago, by Sir Robert Peel, that a Session never passed without an Irish Grand Jury Bill, and an Irish Fishery Bill. Since that statement, he believed he might say the same practice had invariably obtained, and in the present Session there was one Fishery Bill and two Grand Jury Bills for their consideration; but while these annual attempts at legislation were regularly made, they invariably failed, and the old system remained unaltered. The truth was, that the Irish Members differed amongst themselves as to the basis on which the grand-jury system should be established. While some contended that the existing system, if amended, should be maintained; others were in favour of abolishing that system altogether, and no agreement could be come to. He was glad therefore to see in the present Session a Bill introduced by the hon. Member for Westmeath, the object of which was to remedy the defects of the existing system, without touching the principle, inasmuch as that was precisely the object which he (Mr. G. A. Hamilton) himself had in view, in laying the foundation of this inquiry. The House might be aware that the establishment of county surveyors took place in 1830, under the 3 & 4 *Will.* IV., c. 78, and which was extended by the 6 & 7 *Will.* IV., c. 16. Those Acts provided for the appointment of a county surveyor in each county in Ireland, and as a condition precedent that such officer was to be subject to an examination by certain officers therein described. Now, the functions of those county surveyors were extremely numerous and important. Those duties were set forth somewhat in detail. He would give the House merely an outline of them, such as was contained in a letter addressed by a committee of the county surveyors of Ireland to the predecessor of his right hon. Friend the Secretary for Ireland, and given in the Report of a Commission appointed in Ireland in 1842, to consider the whole subject of the grand jury laws. Those county surveyors had to specify the work that was necessary, to select the parties that were to carry it out, to report upon the works when completed, to report upon the state of all bridges, &c., and to superintend generally all matters relating to the office of county surveyor. It was quite obvious, from the extent of the county works in Ireland, that no single individual could perform efficiently those various duties; and, accordingly, the law provided that it should be discretionary for the grand jury to appoint assistant surveyors with a salary of £60 a year to each. That power had been exercised in some and not in other counties. He was anxious to call attention to the results which had followed from the appointment of county surveyors. In the year 1834, the cost of the maintenance of the roads immediately after the institution of the county surveyors was, on an average, £17 10*s.* a mile. In 1854, the cost, notwithstanding the great increase of wages and drainage, was reduced to £8 13*s.* per mile—less than one-half what it was at the former period. The cost of superintendence in 1834 was also about double what it was in 1854. He would give an instance of the cost of two counties with the view of showing the effect of the system of surveyors that was in operation. He would take a county in the extreme north, Antrim, and a county in the extreme south, Kerry:—

ANTRIM COUNTY.

1834.—One surveyor, no assistant; miles of road maintained. 240; cost of maintenance,

£19,628 ; cost of superintendence, £1,080—5·50 per cent.

1854.—One surveyor, twelve assistants ; miles of road maintained, 1,020 ; cost of maintenance, £30,760 ; cost of superintendence, £905—2·94 per cent.

KERRY COUNTY.

1834.—One surveyor, no assistant ; miles of road maintained, 608 ; cost of maintenance, £6,538 ; cost of superintendence, £350—5·35 per cent.

1854.—One surveyor, four assistants ; miles of road maintained, 1,420 ; cost of maintenance, £12,666 ; cost of superintendence, £550—4·34 per cent.

TOTAL IN IRELAND.

1834.—Miles maintained, 13,191 ; cost of maintenance, £320,645 ; cost of superintendence, £16,976—5·29 per cent.

1854.—Miles maintained, 36,703 ; cost of maintenance, £410,689 ; cost of superintendence, £17,895—4·19 per cent.

He would submit that the remuneration of those surveyors who rendered such important services ought to be adequate. Their remuneration was, however, limited by Act of Parliament to a sum not exceeding £300 per annum. When their incidental expenses were deducted, their remuneration was little more than £200 a year. As to the assistant surveyors, the Act of Parliament provided that their salary should be only £50, although in their discretion they exercised duties of a varied and different character as would appear from the following facts:—In Antrim, 12 for 1,900 miles of road ; Meath 1 for 1,700 ; Galway, for 957; Louth, 3 for 400. No system founded upon any one principle seemed to be adopted in reference to those assistant surveyors. In 1842 the Commission was appointed, of which his right hon. Friend Sir John Young was Chairman, and which collected a vast deal of information in reference to the grand jury system. That Commission recommended, as an improvement upon the existing system, that each county should be divided into districts; and that, instead of one surveyor, each county should have a certain number of competent surveyors, and that the assistant surveyors should be altogether abolished. He was not convinced that such a measure would be an improvement. By an inquiry of the kind for which he now moved, he thought it was possible, by an examination of a few competent witnesses, that a Committee would be enabled to arrive at such a conclusion as would form the basis of a measure for the improvement of the grand jury system, in the important matter of the supervision of the County Courts. There was another point he wished to notice; that was, the preliminary examination that was considered requisite. Although he was bound to say that the officers appointed were efficient and useful men, yet he was of opinion that the system of examination followed was not as satisfactory as could be desired. He thought the system of competitive examination peculiarly applicable to a case of this kind. He was an advocate for publicity as regards the examination papers, and the number of works which each candidate might obtain. By a system of competitive examination they would be opening the offices to an educated class above the lowest class, and they would be also giving a stimulus to an advantageous and a useful system of education.

MR. GROGAN seconded the Motion.

SIR DENHAM NORREYS said, he thought that the present grand jury system was so bad it would be impossible to improve it. The mode of examination of surveyors was disgraceful, and they were miserably paid, considering that they had the superintendence of the outlay of large sums of money in Ireland, and the importance of the duties they had to perform. He should accordingly support the Motion.

MR. GROGAN said, he also must condemn the present system of surveyors, and he thought that it was worthy of consideration whether by granting them higher salaries they could not have the duties much better performed.

MR. VANCE said, that there was great dissatisfaction felt at the mode of examination that was carried on. The Commissioners, it was stated, had in many instances appointed their own private friends. The people demanded that those examinations should take place publicly, that due notice of them should be given, and that the names of candidates, successful and otherwise, with the names of the examiners should be published. He thought also that no examiners ought to be permitted to examine their own pupils.

MR. M'CANN remarked, that he concurred in the Motion for a Committee as far as it went; but he thought that the question was surrounded with more difficulty than they imagined.

MR. H. A. HERBERT said, he readily concurred in the Motion of his hon. Friend, with whom he quite agreed that the subject was one of great importance, and that an inquiry of the nature proposed would be a useful—he might almost say an indispensable—preliminary to any attempt at reforming the grand jury system of Ireland. He also agreed with his hon. Friend (Mr. Grogan) upon the question of remuneration, and believed that it would be sound economy for each country to obtain a first-rate man, and have his undivided services. Further, he admitted that it would be a desirable thing that the parties who were examined should not be examined by those with whom they had been private pupils. He hoped, however, that his hon. Friend would take care and keep the Committee within the order of reference, because if they went beyond that it would be impossible for them to conclude the matter this Session, and the result would be, that he should not have the advantage of their Report to assist him in the recess in maturing a measure that would be satisfactory either to the country or himself.

Motion *agreed to.*

Select Committee *appointed,* "to inquire into the duties, functions, and mode of remuneration of County and District Surveyors and Assistant Surveyors, in Ireland, and also as to the best mode of examination to be henceforth adopted in reference to such Officers, with a view to establish a system of competition, and secure to the public the services of the best qualified candidates."

RAILWAYS (IRELAND).

MR. BUTT moved for leave to bring in a Bill to enable baronies or other districts in Ireland to give guarantees for the construction of railways passing through such districts. He understood there was to be no opposition to his Motion; he should, therefore, reserve an explanation of the provisions of the measure until the second reading. On the present occasion he would content himself with observing that these guarantees had already been sanctioned in several districts in Ireland by special Acts of Parliament; but he proposed that his Bill should be a general one, enabling the ratepayers in any district to judge for themselves, and decide whether such guarantee should be given or not.

MR. H. A. HERBERT said, he did not rise to oppose the Motion; but in allowing the hon. Gentleman to bring in his Bill it must be distinctly understood that Government did not thereby imply a pledge to support even the principle of the measure. The subject was one which required the greatest possible consideration, and certainly, as at present advised, he thought the principle was full of danger, and that in almost all cases where a district was sufficiently important to require a railroad, and the railroad formed a legitimate subject of speculation, the usual course of coming to Parliament for an Act was the best mode of proceeding.

LORD NAAS agreed in every word that had fallen from the right hon. Gentleman, except where he expressed his readiness to give leave to introduce the Bill. The principle involved in the measure was a most dangerous one, and should be regarded by the House with the greatest suspicion. He disapproved entirely of the principle of mortgaging the public rates for the furtherance of private speculations. Besides, even if the Bill were brought in now, it was totally impossible that it could pass this Session.

MR. M'MAHON hoped the hon. and learned Gentleman would consider well the difficulties which he would have to encounter in obtaining the consent of the ratepayers of the district. If it was meant to give the associated magistrates the power of taxing the ratepayers, he should oppose the Bill at a future stage, and he, therefore, hoped that the approval of the ratepayers would be made a necessary condition of the undertaking.

MR. J. D. FITZGERALD said, that at that period of the Session when the majority of Irish Members would shortly be going upon circuit, there could be no hope of so important a subject being satisfactorily settled. He would not, however, object to the introduction of the Bill, because his hon. and learned Friend, if he were content with merely bringing it in, would be able to lay before the country a plan for arriving at a settlement of a question which involved important Imperial interests.

MR. BUTT said he would agree to this suggestion, but on the second reading, he would make a statement explaining more particularly the objects of the Bill, in order that that statement might go forth to the country with the Bill.

Leave given.

Bill to enable baronies or other districts in Ireland to give guarantees for the construction of Railways passing through such districts, *ordered* to be brought in by Mr. BUTT and Mr. BEAMISH.

PUBLIC HEALTH ACT (1848) AMENDMENT.

MR. COWPER, in moving for leave to bring in a Bill to amend the Public Health Act, 1848, and to make further provisions for Town Improvement, said, that he should have brought the question before the House at an earlier period of the Session, but it was thought desirable that it should follow another Bill which was now before Parliament, for transferring the powers of the Board of Health to the Department of Education. The provisions of the Bill had been submitted to the local Boards of Health in the chief towns in the country, and he believed he might say, that those provisions had the concurrence and support of all of them. The main object of the measure was to remedy the defects which an experience of nine years had shown to exist in the Act of 1848—to give powers of cleansing and purifying towns, to renovate streets and highways, to audit accounts, and generally to improve the management. With regard to the central Board he proposed to repeal the power which, by the existing law, the General Board of Health possessed of applying the Act to towns without the consent of the inhabitants. This was a power to which considerable objection had been made, although it had rarely, if ever, been resorted to, because it was clear that, even if there were an advantage in the central authority being able to apply an Act against the consent of the inhabitants, there would be little result from it, since the execution of the Act must depend upon the voluntary use made by the inhabitants of the powers given them by the Act. He, therefore, proposed so far to alter the mode of adopting the Act, that it should no longer be applied by the action of the Board of Health, or other authority to whom those powers had been entrusted, but by a vote of the inhabitants of the town desiring to have the benefit of the Act. It also very seldom happened that a town wishing to avail itself of the Act had the proper boundaries which it was desirable it should have, and the Bill, therefore, gave the central Board power to interfere to settle the boundaries, of course with the consent of the inhabitants. Moreover, there was often a difficulty in applying the Act, in consequence of the existence of local Acts, and the Bill gave power to the central Board to make provisional orders which would be submitted to the House. There was a tendency in local bodies when they constructed works, to saddle future ratepayers with the burden of the expense, and power was given to the central Board to prevent that being done, unless the works were of a permanent character. At the same time, he might observe with regard to the powers now possessed by the General Board of Health, some of those powers were considered to be unconstitutional and arbitrary. Much ignorance seemed to prevail upon that subject, but if hon. Gentlemen would take the trouble to look carefully into the Act of 1848, they would see that there was nothing in that Act which vested in the Board of Health any power of a compulsory nature. In fact, the power of that Board was rather of a restrictive character than anything else. The object of the whole legislation upon this subject was, to enable the towns to execute necessary works, and to keep their localities in good order and sound sanitary condition. This Bill would afford the means of removing all the sources of disease which could be abolished by the action of local bodies, and which now existed to a large extent in almost every court and alley of large towns, while it was so framed that each could adopt so much of its powers as were necessary to meet its immediate wants. It would be strictly a permissive measure. He believed it was very much demanded by the towns themselves, and he therefore hoped it would not meet with any serious opposition.

Leave given.

Bill to amend the Public Health Act, 1848, and to make further provision for Town Improvement, *ordered* to be brought in by Mr. COWPER and Mr. MONSELL.

CLERKS OF PETTY SESSIONS (IRELAND).

LEAVE.

MR. H. A. HERBERT then moved for leave to introduce a Bill to authorise the payment of clerks of Petty Sessions in Ireland by salaries instead of fees, and to amend the Petty Sessions (Ireland) Act, 1851.

MR. WARE hoped that a similar Bill would be introduced with respect to England.

Leave given.

Bill to authorise the payment of Clerks of Petty Sessions, in Ireland, by Salaries instead of Fees, and to amend the Petty Sessions (Ireland) Act, 1851, *ordered* to be brought in by Mr. HERBERT and Mr. Attorney General for Ireland.

RAILWAY TRAFFIC ACT AMENDMENT BILL.

SECOND READING.

Order for Second Reading read.

MR. GRIFFITHS said, he rose to move the second reading of this Bill, the object of which was to facilitate the means of obtaining justice in cases of dispute between private individuals and the railway companies, in connection with the traffic on existing railways. The measure dealt with a very large interest, and he presumed that the Ministry even could not disregard the claims of railway proprietors. He was himself a railway proprietor. He was desirous to know what authority it was the House recognized in such matters. In introducing this Bill, he was supported by the authority of the Committee—an authority which must be of the highest weight with the House. Under the former Act, a private individual who was injured by the traffic arrangements had no remedy against a railway company, except through the Court of Common Pleas, the expense of which was ruinous. He proposed to give the party injured a right of making a complaint to the Board of Trade, who would call on the company for an explanation, and if that was not satisfactory, they would then put the law in Motion, as provided by the former Act.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. LOWE said, that as the law now stood, any private person to whom a railway company denied proper facilities might appeal to the Court of Common Pleas to compel the company to afford him such facilities, or the Board of Trade might direct the Attorney General to commence a prosecution against the company for the same purpose. The Bill of the hon. Gentleman sought to retain to the private individual the power which he had at present of going to the Court of Common Pleas, and it gave him, in addition, the power of going to the Board of Trade, and of compelling them to investigate the complaint. He (Mr. Lowe) objected to the Bill as unfair to the railway companies, because it exposed them to the grievance of being twice vexed on the same matter. They would be first liable to be tried by the Board of Trade, and if the Board of Trade decided against them they might be tried again before the Court of Common Pleas; or, if the Board of Trade decided in their favour and dismissed the complaint, it would be open to the person to go to the Court of Common Pleas himself. He objected to the Bill also, because it was unfair to the public, by burdening the Treasury with the expense of prosecuting every man's private grievances. He objected to it also on account of the Attorney General, who had quite enough to do at present without being compelled to prosecute all the railway companies in the kingdom; and, finally, he objected to it on behalf of the Board of Trade, which, if it were fit for anything, was fit to exercise a discretion in matters of this sort, and ought not to be forced to enter into investigations and to institute prosecutions in cases where such proceedings were not necessary, and which had no judicial power, no machinery, and no aptitude to enable it to carry out such a duty satisfactorily. For these reasons he objected to the hon. Gentleman's Bill. The hon. Gentleman had made some reflections on the conduct of the Court of Common Pleas. He (Mr. Lowe) had read the decisions of the Court of Common Pleas, and he thought that court had decided with great wisdom and fairness. Undoubtedly, that court had not very easy machinery for the purpose; but it was the machinery which Parliament had devised, and the learned Judges seemed to have got it into working order with great fairness, and he was certain it would not be improved by burdening the court with the business which would be imposed on it by the present Bill. He moved that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

MR. KNATCHBULL-HUGESSEN moved, that the House do now adjourn.

Motion made, and Question, "That this House do now adjourn," put, and *agreed to.*

House adjourned at a quarter before One o'clock.

HOUSE OF COMMONS,

Wednesday, July 15, 1857.

MINUTES.] PUBLIC BILLS.—1° Clerks of Petty Sessions (Ireland); Loan Societies; Sale of Corn, &c.; Commons Inclosure; Land and Assessed Taxes, &c. (Scotland) Acts Amendment; Valuation of Lands (Scotland) Act Amendment; Public Health Act (1848) Amendment; Turnpike Acts Continuance; Sale of Obscene Books, &c. Prevention.

2° Married Women.

3° Bill Chamber (Scotland); Militia Ballots Suspension; Glebe Lands (Ireland).

POOR LAW MEDICAL OFFICERS.

QUESTION.

Mr. MOODY said, he would beg to ask the right hon. Gentleman the President of the Poor Law Board, whether any intention is entertained of making an alteration in the law as regards the power of overseers, in ordering medical relief to persons not in the workhouse.

Mr. BOUVERIE said, that under the Poor Law Amendment Act the overseer was entitled, in cases of urgent necessity, to give an order for medical relief to such persons as he thought required it. A case of the kind alluded to by the hon. Gentleman had occurred in the Somersetshire Union, but afterwards the guardians, not believing it to be a case of urgent necessity, refused to allow such relief. The medical officer, in consequence, brought an action against the overseer in the County Court, and the Judge decided that the overseer was not personally liable. As far as he (Mr. Bouverie) had the means of judging, that decision was right in point of law, nor had the Poor Law Board (though they had offered some advice to the guardians in the particular case refessed to) any intention of altering the general law in that respect. Certainly medical officers of unions seemed exposed to some hardships in such a case, but, at the same time, those gentlemen had the power of protecting themselves, because they could judge whether the case which they were called upon to attend was one of urgent necessity, and if it was not they could decline to act upon the order of the overseer. Medical officers, however, should be very careful in exercising their discretion in such instances, because if, after all, the case turned out to be one of urgent necessity, they would be held responsible.

JUDGMENTS EXECUTION, &c. BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Mr. AYRTON said, he wished to ask what steps had been taken to obtain the decision of the law officers of the Crown for England, Ireland, and Scotland, on the subject of the Bill, according to the undertaking entered into?

The LORD ADVOCATE said, the undertaking was not entered into, because the conditions under which it was offered had not been accepted. The Bill was approved of by the law officers of the Crown generally; but they had had no consultation since the Bill was last in Committee for the purpose of considering the question, as such a proceeding was unnecessary with regard to a measure to the general provisions of which they had already acceded.

Colonel FRENCH said, his recollection of the facts was somewhat different from that of the Lord Advocate. He clearly understood that the Bill was to be considered by the law officers of the Crown of the three countries; and that their decision was to be communicated to the Committee. The Bill was not wanted in Ireland; and he (Colonel French) could see no advantage in wasting another day at this period of the Session, in an attempt to force it upon that country; especially as every Irish legal Member was inevitably absent on professional business. He thought it desirable to postpone the Bill for this Session, as it could not pass; and seeing that there were thirty-five Orders of the Day upon the paper, he should move that the Chairman report progress.

Mr. HEADLAM observed, that he approved the principle of the Bill, and had supported it throughout. He could not help thinking, however, that the House had devoted as much time to its discussion as was due to its importance, or as was fair to other hon. Members whose measures were now pending. If there had been any reasonable chance of the Bill passing this Session, he might have continued to support it; but looking at the determined opposition offered to its progress, he thought no such chance existed, and he should therefore vote in favour of reporting progress.

Motion made and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided:*—Ayes 33; Noes 58: Majority 25.

Mr. MAGUIRE said, that as an Irish Member, he wished to express his opinion that the conduct of the hon. and learned Member who had charge of the Bill was not what it ought to be. There was a strong feeling against the Bill amongst the legal and commercial classes in Ireland, and consequently, the Irish Members were prepared to take all the taunts and do everything—[An hon. Member: Pay?]—to oppose its passage for this Session. He therefore would suggest, that the hon.

Member who had introduced it should submit it to the Lord Advocate for Scotland, the Attorney General for England, and the Attorney General for Ireland, to be by them considered and amended; then, if the hon. and learned Member would introduce it in an amended form next Session, he (Mr. Maguire) would support it: otherwise, he was prepared to occupy the attention of the Committe for the rest of the day, if necessary. Under the present circumstances, however, he should move that the Chairman do leave the chair.

The LORD ADVOCATE said, he regretted that the Irish Members were so unanimously opposed to this measure, because he did not see how it affected Irishmen any more than Englishmen or Scotchmen. As there certainly was no prospect of passing it, however, during this Session, he suggested to his hon. and learned Friend that he should not further proceed with it at present, although he must express his regret that an opposition which, so far as he knew, had never been based on any intelligible principle, should have been successful in opposing the progress of the Bill.

Mr. SPOONER said, that the opposition to this Bill was by no means confined to Irish Members; for many Englishmen objected to it on the ground that, under it, judgments obtained in the Scotch courts, by a procedure of which no one knew anything, might be entered in the courts of London, and would come into as full force as if they had been obtained by a procedure subject to all the guards and precautions which the English law threw round it. He (Mr. Spooner) had heard nothing to remove his objections, and, he therefore, hoped that the Bill would be postponed.

Mr. M'CANN said, Irish merchants and men of business were informed, on the first law authority in Ireland and England, that fraudulent judgments might be obtained under the Bill, and therefore he should oppose the measure until he was satisfied on that point. That could be done only by referring the Bill to the law officers of the Crown for the three countries.

Mr. WATKIN said, that although he had hitherto been consistent in supporting the Bill, he thought, considering the period of the Session, that it ought to be withdrawn for the present. He regarded the Bill as a step in the right direction, and he thought that if the hon. Member for Ayr (Mr. Craufurd) magnanimously consented to withdraw it at this time, he ought to have an assurance from the Government that they would introduce it in an amended form as a Government measure next Session. He supported the Bill because it tended to produce uniformity in the law, and to prevent the anomaly of having one law for England, another for Ireland, and another for Scotland, when all were under the same Imperial Government. At the same time he must observe that if it were in the power of the hon. Members for Ireland to defeat this Bill by factious opposition, it would be equally in the power of any other hon. Members to oppose any other measure, and thus a stop might be put to all legislation. He thought the question should be decided by the balance of arguments and votes, and not by such threats as the hon. Member for Dungarvan (Mr. Maguire) used.

Mr. MAGUIRE denied that he had used any threat. He had merely stated a fact, and if a fact was a threat, why perhaps he had made use of a threat. It was all very well to say that the question should be decided by argment, but when the bell rang for a division, hon. Members flocked into the House, and voted without hearing any arguments, or even knowing what the question was.

Mr. CRAUFURD said, that, after the appeal which had been made to him by the Lord Advocate and by other hon. Members, he thought that he should best discharge his duty by not further pressing the Bill during the present Session. He must observe, however, that the Bill as it now stood had received the approval of all the law officers of the Crown, that it had now been proceeded with as far as the 9th clause, and that not a single material Amendment had been made in the framework or the phraseology of the measure. He saw no reason why the subject which the Bill contemplated should not be undertaken by a private Member, and he gave notice that next Session he should again address himself to it, and should re-introduce a similar measure upon the subject.

Colonel FRENCH said, that the Irish Members were all but unanimous in their opposition to this Bill. He thought that they were perfectly justified in the course which he and others had pursued.

Motion *agreed to.*

House resumed.

[No Report.]

MARRIED WOMEN BILL.

SECOND READING.

Order for second reading read.

Motion made and Question proposed, "That the Bill be now read a second time."

SIR JOHN BULLER said, he rose to move as an Amendment, on behalf of his hon. and learned Friend the Member for Wallingford (Mr. Malins), that the Bill be read a second time this day three months. He thought that the Bill went too far, and was calculated to introduce into families a great deal of discomfort and dissension. There was no greater source of dissension in married life than the existence of separate property, and this measure would add to those dissensions. It was not his intention, however, to enter into a detail of the difficulties which would be likely to arise under the Bill if it became law, because they were of too delicate a nature to be canvassed in that House; but he might state his belief that there were very few mothers of families, having the control of property which they ought to devote to the benefit of the whole of their children alike, who would have nerve and composure enough to refuse to grant pecuniary aid to any one of their children—say their first-born—who might stand in need of such assistance. Again, by the Bill as it stood, a married woman becoming possessed of property after marriage had the power of alienating that property and of dealing with it as she pleased. She might, with the best intentions, lay it out, without consulting her husband, in some worthless railway shares or in some unsound speculation, and the husband might find that the whole of that property, to which he had looked, perhaps, for the maintenance of himself during his lifetime, and for the benefit of his children afterwards, had been swept away. He believed that the Bill had been introduced to meet an exceptional class of cases, which ought to be dealt with separately—such as where a wife who lived apart from her husband entered upon some business by herself, and therefrom acquired property, which in the present state of the law the husband could take possession of. He did not attempt to defend that state of things, but he did not consider that such cases belonged to society at large; and he thought that, as a general measure, the Bill was uncalled for. Of course he could not be expected to enter into the legal and technical objections to the measure, but in the absence of his hon. and learned Friend he had no hesitation in moving, as an Amendment, that it be read a second time this day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

MR. MONCKTON MILNES, whose name was on the back of the Bill, stated that he regarded the question far more as a social than as a legal one. The position of married women in this country was peculiar in this respect, that there existed with regard to them a law, which applied to all married women alike, unless they entered into an express contract for the purpose of modifying or avoiding that law. The object of the Bill, then, was to make that the law for all classes, which by custom it had become for the wealthy classes, for it very rarely happened that on the marriage of a woman possessing property her property was not made the subject of the most careful arrangement. This had produced the most striking conflict between the common law and equity on this matter; for while the former declared that the wife could hold no property, yet equity allowed her to hold property settled on her at the time of the marriage, and to bequeath it according to the terms of the settlement. Again, by the common law, the husband had a right to the earnings of his wife; but it was held in equity that the wife had an absolute right to all savings arising from the settled property. It was said that the cases quoted in support of a Bill like the present were peculiar cases, but he maintained that they were such as might happen at any time. Take the two cases mentioned by the hon. Member for Suffolk (Mr. Waddington). One was the case of a lady possessing considerable property who married a man by whom she was treated with great cruelty; she was deserted, and left almost penniless by him. The man died soon after, and then she discovered to her horror that she was left entirely penniless, all her property being bequeathed by her husband to an illegitimate son of his. Another case was that of a woman whose husband had committed a brutal assault on her, for which he was condemned by a court of law. In the meantime, her father dying, a considerable portion of property devolved to her. That property under the law went to the husband, and he being a felon, escheated to the Crown. Nothing but some such alteration in the law as was proposed by the present Bill could meet that state of things. The relations between husband and wife in France, with regard to property, were regulated either by the *regime dotal*, or the *communauté de biens;* the first resembled the marriage settlement in this country, and the latter, which was the practice followed in ninety-nine cases out of a hundred, established the possession of property by husband and wife in common, no portion of that property being capable of alienation without the consent of both parties. On sufficient grounds, however, either party could apply for a *separation de biens*, and then the property of the wife would be secured to herself. Perhaps it might be said that this would be a more desirable state of the law than that which was now proposed to be enacted, but he did not think so, as it was not applicable to the state of domestic life in this country, and might tend to familiarize the people to an objectionable degree with the idea of separation between man and wife. At the same time, he believed that the rejection of a measure like the present would lead to the adoption of such a state of things as he had just described. It might be said that at this late period of the Session it would not be advisable to proceed with the consideration of the present Bill, particularly as another Bill, with some similar provisions, was likely soon to come under discussion. That other measure, however, was connected with the establishment of a new Court of Divorce ; and as that Bill might not be carried in that House, he trusted that the second reading of the present measure would be assented to, so that it might go up to the other House and receive the consideration of the law Lords. Lord Brougham had placed a reform of the law in respect to this subject on a level with the abolition of the slave trade and other great measures of that kind, and those who talked of the chance of domestic peace being disturbed by such an enactment as the present should bear in mind that they would disturb that domestic peace much more by leaving the law as it stood. The present condition of married women was, in the respects to which the Bill referred, alien to our habits and feelings, and it would be ungenerous and unmanly not to attempt to improve it. He hoped, therefore, that his hon. Friend on the Treasury bench would approve of the measure.

MR. MASSEY said, he could not make a very favourable response to the appeal of his hon. Friend. It was more a question for the law officers of the Crown than himself. But as he understood from the hon. and learned Member for Devonport (Sir E. Perry) that he had communicated with the Attorney General on the subject of the present Bill, and that that law officer approved it, though he was desirous of introducing some extensive modifications into the measure, he (Mr. Massey) should support the second reading. There was a distinction in the mode in which the property of married women was treated by courts of common law and courts of equity, and as there was that conflict of jurisdiction, it might well be said that the matter was not at present in a satisfactory state. Whether the provisions of the Bill were in accordance with the state of the law recognized by the courts of equity and with the habits of society in this country was another question. Some of those provisions appeared to stand in need of careful revision, or they might disturb the whole of the relations of married life, and revolutionize all the principles which applied to the rights of property in this country. He admitted the great hardship which was suffered by a woman in not having, when separated from a profligate husband, the power of applying the proceeds of her own industry to her own subsistence or to the subsistence of her children. He did not believe that it was not possible for the Legislature to find a remedy for that evil, but the effect of the fourth clause of the Bill relating to the earnings of a wife in separate trade would be to set every creditor at defiance, and to drive the estate of husband and wife into the Court of Chancery. When he saw one particular and known grievance dealt with in a manner so loose and unsatisfactory, he could not give his assent to the proposed second reading, without the qualification that the Bill required the most careful consideration. He believed that such a Bill must undergo the careful revision of a Committee upstairs, composed of lawyers and others in whose judgment the House was likely to place confidence. The existing state of things called for legislation, but it must be cautious legislation, and he feared that at the present advanced state of the Session the hon.

and learned Gentleman would scarcely be able to induce a sufficient number of hon. Gentlemen to consent to act as a Committee to consider the Bill. However, the hon. and learned Gentleman would partly have attained his object by ventilating the question, and next year, whether taken up by him or any other hon. Member, it would be felt to deserve the attentive consideration of Parliament.

MR. HADFIELD said, the Bill required great care, because there were nice legal difficulties to be provided against. At the same time, no greater or more pressing evil existed than the position of married women in this country. If the Bill were sent before a Select Committee, he hoped a remedy might be found.

MR. SPOONER said, he trusted that the Bill would be withdrawn altogether. He thought the House was not prepared to adopt the principle laid down in the very first clause of the measure, which began by saying that a married woman should be capable of being sued as if she were a *femme sole*, without the slightest reservation that she should be sued only for matters arising under this Bill. That was a principle the House could not sanction even so far as to pass the second reading of the Bill. Again it was provided that no marriage solemnized after the passing of the Bill should make any change whatever in the property possessed either by the husband or the wife except in so far as it should be specified in any settlement made before marriage. How many marriages, he should like to know, in the middle classes took place in which settlements were not made? The higher classes would be exempted from the operation of this Bill, but what would be its effect on the lower classes? The moment a married woman acquired property after marriage the whole of the existing law in respect to such property would be suspended. He was prepared for some change in the law; and if the Bill were confined to the single object of protecting the wife's property against the husband, in cases where the wife was separated by decree of a court or by agreement, so that she might possess the means of livelihood for herself and family, he should not object to it, but he could not consent to send to a Committee upstairs a Bill like the present containing unsound and objectionable principles.

MR. BAGWELL said, he found the Bill did not extend to Ireland. He thought, however, that if such a measure passed it ought to extend to all the three kingdoms. If an Irishwoman were married to an Englishman she would stand in a very different position under the Bill from her sister, who might have married an Irishman. Such marriages were very frequent, and the more so the better for the interests of the kingdom.

SIR ERSKINE PERRY said, he had no objection to adopt that suggestion in Committee, but, as the Government assented to the second reading of the Bill, he could not follow the advice of the hon. Member for North Warwickshire (Mr. Spooner), and withdraw the Bill. The Bill did not deal with an exclusively legal question, but with a general principle, of which any hon. Member might judge. That principle, however, was not to be found, as the hon. Member conceived, in the first clause or in a word of a clause, but in the preamble, which declared that the law of property, with respect to married women, was unjust in principle and grievous in operation, and ought to be altered. The first clause, to which the hon. Member objected, was intended to give to all married women the same rights as those only possessed now who had settlements. The common law of the land gave the whole of the property of the wife, whether acquired before or after marriage, to the husband. He contended that that principle was unsound, and that it behoved that House to amend it. He had not heard any objection of validity urged to the Bill. The hon. Under Secretary for the Home Department had objected to the fourth clause, respecting the earnings of a wife in separate trade; but the hon. Gentleman was not, perhaps, aware that in the City of London such a usage existed. A married woman living with her husband, but carrying on a separate trade, was there entitled by law to all the profits of that trade, and might be made bankrupt. That law had existed from time immemorial, and worked well. The objections which had been urged to the Bill were objections of detail, and he should be most willing to take them into consideration. The Bill was the result of years of attention to the subject by men of the highest learning, and had been approved by the Government draughtsmen; and, if it were now read a second time, he would readily adopt the suggestion of the Under Secretary for the Home

Department to refer the Bill to a Select Committee—a course which he proposed some weeks ago to the hon. and learned Member for Wallingford (Mr. Malins), but which was rejected by him. The Attorney General for Ireland assented to his proposal that the Bill should be referred to a Select Committee; and if the Government would give a pledge that that course should be adopted, he (Sir E. Perry) would not press the Bill this Session. He could not, however, consent to withdraw the Bill immediately, and for this reason: in a few days a very important measure, the Divorce Bill, would be brought under the consideration of the House. During the discussion which occurred with reference to that measure in another place, several clauses had been introduced with the object of protecting the interest of married women. It was very probable that the Divorce Bill would encounter great opposition in that House; and he thought it most desirable, if that Bill should be thrown out, that some of the clauses in the present measure should be discussed at a morning sitting, in order that the nature of the objections entertained to them might be clearly understood. The subject might then be referred to a Select Committee; and he hoped that before the end of the next Session of Parliament, those blots which now rendered the law of England on this subject a scandal might be removed. The course proposed by this Bill had been sanctioned by the Roman lawyers, who were masters of jurisprudence, and by our brethren in the United States, who had so far amended the common law of England.

Mr. MILES said, he would recommend the hon. Baronet (Sir J. Y. Buller) to withdraw his Amendment. He thought many of the clauses would operate beneficially, and he hoped the Bill would be read a second time and go to a Select Committee, so that next Session it might be presented to the House in such a form that they would be enabled to give it their sanction.

Mr. J. D. FITZGERALD said, he understood it was intended to propose the extension of the measure to Ireland, and he could, therefore, only assent to the second reading of the Bill under protest. He did not regard this Bill as one calculated to amend the law, but to effect a complete revolution in the law, which would disturb all the relations of husband and wife. He could not help saying that it was, in his opinion, a most rashly constructed measure, and one which was likely to lead to very mischievous consequences. He was far from maintaining that the law affecting husband and wife did not require amendment, but he thought it was a most dangerous experiment to attempt such a change as would be effected by this measure. The Bill would enable a married woman to contract what debts she pleased; to bind herself personally; to enter into litigation; to sue and be sued, without the knowledge or control of a husband or trustee; and the consequence might be, that a gentleman who was strongly attached to an extravagant wife might find her arrested at his dinner-table in respect of transactions of which he had no cognizance whatever. It had been said that married women were now liable to be sued. If a married woman was possessed of property settled to her sole and separate use which the husband could not touch, she was not liable to be sued; but if she entered into engagements under circumstances which the law considered *pro tanto* an appointment of her property, proceedings might be taken in Equity for the application of the property to the discharge of her liabilities. He thought this Bill would, in fact, afford the means of effecting a summary divorce between husband and wife. He would gladly assist his hon. and learned Friend in endeavouring in Committee to amend the law relating to husband and wife, but if this Bill were to be read a second time, he must enter his protest against its principle, which he regarded as far too large, and its details, which he thought would be found to operate most injuriously.

Mr. ROEBUCK said, his hon. and learned Friend who last addressed the House had spoken of this Bill as an experiment, but he must be aware that its principle had been adopted in all those countries which were subject to the Roman law. The object of the Bill was to continue the wife as a legal entity after her marriage, whereas by the present law of England her marriage merged her existence in that of her husband. She could not acquire property, although she might contract debts; and it frequently happened, especially among the poorer classes, that when the wife of a profligate husband, who had deserted her, succeeded to property, the drunken rascal came in and seized everything she had acquired. He (Mr. Roebuck), therefore, hailed this endeavour to remedy such a disgraceful state f the law with the greatest satisfaction, and he hoped the House would assent to the second reading of the Bill.

MR. DE VERE said, if he required any inducement to vote against the Bill it was afforded by the statement of his hon. and learned Friend that he intended in Committee to propose the extension of its provisions to Ireland. He was far from desiring the application of the measure to Ireland, and on looking over the Bill, the clause which struck him as least open to objection was that which provided that the measure should not extend to Ireland. He did not oppose the Bill because he considered that the law affecting husband and wife was not capable of very great improvement, but because he believed such improvements would not be effected by this measure, which would, on the contrary, have a tendency to interrupt and destroy the intimate and confidential relations which ought to exist between husband and wife.

SIR JOHN BULLER said, if he correctly understood that the hon. and learned Member for Devonport (Sir E. Perry) merely proposed to read the Bill a second time, and then to abandon it for the present Session, he was ready to withdraw his Amendment.

SIR ERSKINE PERRY said, that he did not entertain the slightest expectation of passing the Bill this Session; but if it should be read a second time, he hoped that, in the event of the Divorce Bill being thrown out, the House would consent to discuss, at a morning sitting, the principles embodied in this measure.

SIR JOHN BULLER intimated that, under the circumstances, he felt it his duty to press the Amendment.

Question put, "That the word 'now' stand part of the Question."

The House *divided*: Ayes 120; Noes 65; Majority 55.

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Wednesday* next.

SCIENTIFIC AND LITERARY SOCIETIES BILL—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1.

MR. HUTT said, he wished to take that opportunity of explaining the objects of the Bill, which, he feared, were not sufficiently understood. The object was to amend the Act 6 & 7 *Vict.*, c. 106, by which the buildings occupied by scientific and literary societies were exempted from local rates; in consequence, however, of the narrow construction put on that statute by the courts of law, the intentions of its framers had been defeated, and its present effect was that only wealthy societies formed by the higher classes had obtained any benefit from it. All the popular institutions founded by the spontaneous exertions of the people for their own instruction and improvement, such as mechanics' institutes, derived no benefit from it, and were not exempted from the payment of local rates. It was to remove this anomaly that, at the request of the Society of Arts, he had taken charge of this Bill. He admitted it might be better if no such exemption at all was allowed, but so long as the principle of exemption was admitted, no bodies were better entitled to it than those which were devoted to the education of the people. It had been objected that if the Bill passed every club would be exempted from payment of rates; but the Bill was confined to societies established for scientific, literary, and educational purposes, and no club came within that description.

Clause *agreed to.*

Clause 2 (Lands, &c. occupied exclusively by any Society instituted for purposes of Science, not to be rated to county or other local rates or cesses).

MR. SPOONER said, he rose to move the omission of the words "science" and "literature," as he thought that the exemption of institutions devoted to such purposes from local rates would, in towns where those rates were extremely heavy, increase the burden of taxation thrown upon hard-working mechanics and artisans. He was desirous of limiting the exemption to institutions established for strictly educational purposes.

Amendment proposed, "in page 2, line 14, to leave out the words 'Science, Literature.'"

MR. W. EWART said, the objections of the hon. Member for North Warwickshire (Mr. Spooner) ought to have been urged against the old Bill, fourteen years ago. There was in these matters a Statute of Limitations in reason, if not in law.

MR. JOHN LOCKE said, he objected to the clause on the ground that they had no right to tax parishes for the advantage of particular institutions. In Southwark, which he represented, there were a great number of literary institutions, schools, and other places for educational purposes, with which the parish in which they were situated had no more to do than any parish on the other side of the water. The parishes in Southwark were poor, and it was most unjust to take this money out of the rates to support institutions with which they had nothing whatever to do. It would be a very different thing if the money came out of the general funds of the country, but they had no right to exempt them from all the borough rates. The principle of the Bill was bad in itself, and the whole effect of it would be injurious. They might as well go to the parish and ask them to pay for the gas they consumed. He was happy to afford assistance to such institutions, but he did not think this was the proper way in which to do it. He should therefore support the Amendment of the hon. Member for Warwickshire, as it tended to narrow the effect of the clause.

MR. BOUVERIE said, that he thought it would be hard on the hon. Member for Gateshead (Mr. Hutt), after the House had affirmed the principle of the Bill, to emasculate it in the way which the Amendment proposed to do. He agreed that it was undesirable to carry these exemptions from rating further than they had already gone, but the Committee would bear in mind that the exemption sought to be established by this Bill was one which already existed in some cases, and that this was only an attempt to apply that exemption to analogous institutions which it was doubtful whether the existing law intended to embrace. The real grievance was that Mr. Tidd Pratt certified all kinds of societies indiscriminately, receiving his guinea, and the ratepayers were exceedingly dissatisfied. Applications had in consequence been made to the Court of Queen's Bench, and the result was that in many cases the decisions of Mr. Tidd Pratt had been reversed. The friends of the institutions felt aggrieved that those decisions had not been final, and now wished Parliament to carry out their views. After the view which had been adopted by the House, he thought that the Bill ought not to be defeated by a side-wind.

MR. SPOONER said, that all the arguments on their side were in favour of education, and what he wanted was, that the dilettanti portion of science and literature should be left out.

MR. PULLER observed, that he thought that educational institutions were more entitled to exemption than scientific and literary institutions; but he was afraid that if the Amendment passed, many of the latter, which were in effect educational establishments, would be deprived of the benefit of exemption; he referred especially to mechanics' institutions, and other societies of a similar character. He trusted the hon. Member for North Warwickshire would withdraw his Amendment, the tendency of which would be, not only to reimpose on the wealthier societies a burden from which they had been exempt, but also to fix the same burden on mechanics' institutions.

MR. BERESFORD HOPE said, he should support the clause as it stood, however anomalous it might be to include in it science and literature with purely educational establishments, for he contended that it was the duty of Parliament, and of all who wished to see the education of the people promoted, rather to stretch a point on the side of mercy and generosity than to seek to impose harsh and unnecessary restrictions on the enfranchisement and development of institutions and societies of the kind contemplated by this Bill. He wished the hon. Member for North Warwickshire had seen, as he had recently done, well-dressed mechanics visiting the literary and scientific institutions of Manchester and Salford. He would remind the Committee that with the divided opinions of the country on religious subjects a national system of education was impossible; and, therefore, it was desirable to fill up the existing gap as well as they could.

MR. RIDLEY remarked, that he considered that the Bill was simply a supplementary measure to an existing Act of Parliament, and was only meant to carry out the original intention of that Act on a point which had been ambiguously expressed. He should, therefore, support the clause as it stood.

MR. AYRTON said, that he considered that where a building was erected and an institution formed for the exclusive use of a particular parish, it had a good ground to claim exemption from rating; but where institutions were formed for the benefit of others besides the parishioners they had no claim to be exempted. The whole question turned upon that point, and the whole difficulty had arisen from that principle having been overlooked by the courts of law; if, therefore, the other points were got rid of he should take the sense of the House on the expediency of exempting those institutions only which were for the benefit of the parish. As the Bill stood, the old Rugby School would be exempt from rating, though it was designed solely for the benefit of the sons of the wealthy.

Mr. BERESFORD HOPE said, he could not consent to such a proposition, as much difficulty would arise in the case of schools and institutions established for distinct sects in the same parish.

Colonel SYKES said, there had been conflicting decisions as to what literary and scientific institutions really were, but this Bill would set the matter entirely at rest. He believed that mechanics' institutions throughout the country were borne down by these difficulties, but that this Bill would remove those difficulties, and thus confer great benefits upon the working classes. He denied that it would apply to such an institution as Rugby School, for it would be a complete perversion of terms to call that school a literary and scientific society.

General THOMPSON asked if it was seriously intended to make the exemption for a building from parochial rates, dependent on keeping out any individual who was not of the parish. A clergyman drew a good deal from the parish; but would there be sense in making him forfeit it, if an outside barbarian, an extra parishioner, was found attendant on his ministry? Would it not be much better, that twenty neighbouring parishes should have twenty scientific institutions, and each allow free ingress to the others?

Mr. PEASE said, that a general desire had been expressed in the Committee to promote the cause of education. They had seen the establishment in this country by voluntary efforts of many valuable institutions, and he was of opinion that they ought to give them all the support which could be legitimately bestowed on them. They all knew that there was no period of greater moral danger than that which came between childhood and manhood, and mechanics' institutions were precisely adapted to provide for that case. That which contributed to the improvement and advancement of the working classes was the truest economy for the whole community; and, therefore, he believed that allowing the exemption of rates in this case, would ultimately tend to diminish the rates which the metropolitan Members seemed so anxious to protect.

Mr. Ayrton

Mr. PALK said, he thought that the opponents of the measure would be few and far between if it was solely directed to the improvement of education. But it stretched much further, and was rendered, by the looseness of its phraseology, dangerous to the very institutions which it was intended to benefit. The word "art" was a very broad term. Drawing was an art. Were they to afford the proposed boon to drawing academies? He thought there were plenty of those establishments in London already, without any encouragement by Act of Parliament. It was difficult, indeed, to say what the term "arts" would take in. He should support the Amendment.

Mr. SPOONER said, that he should most certainly take the opinion of the Committee on the subject of leaving out these two words, the more especially as there was an intention on the part of the right hon. Member for Kilmarnock (Mr. Bouverie) to move the omission of the word "education," so that all their labours would be in vain.

Sir WILLIAM JOLLIFFE believed that extremely little benefit had arisen to any institution whatever by granting these exemptions. Nothing was calculated to create a greater feeling of illiberality to such institutions than granting them particular exemptions from taxes, while in nine cases out of ten the real benefit was received by the landlords of the houses in which they were located, who made the exemption of taxes a reason why an addition should be made to the rent. There was no justice in the present state of the law in reference to this matter, and he was satisfied not only of the injustice of exemptions as a general rule, but that they did no good to the institutions. Hon. Gentlemen argued the question as if the opponents of the Bill were the enemies of education, whereas the contrary was the fact. Believing that they would fail to accomplish the object sought by this clause, he should vote for the Amendment.

Mr. COLLINS said, he objected on principle to the subsidizing of these institutions by Parliament against the wishes of the parishes themselves. There was a mechanics' institution in the town he represented, of which he was president, which was exempted from local rates; but that was by the wish of the inhabitants, and it worked extremely well. He disliked a compulsory exemption, however, as it tended to render these societies unpopular.

Question put, "That those words stand part of the Clause."

The Committee *divided*:—Ayes 131; Noes 81: Majority 50.

MR. BOUVERIE said, he should move the omission of the word "education" in the 14th line of the same clause. He would not have objected to exempt schools for the poor, but the word "education" was so general that it would exempt establishments of a very different kind.

Amendment proposed in line 14 to leave out the word "Education."

MR. W. EWART remarked, that he thought that the reasoning of the right hon. Gentleman went rather to the extension of the area embraced by the Bill than to its restriction.

MR. HARDY said, the object of the Bill was to overrule certain decisions of the Court of Queen's Bench. What was meant by "science," or "literature," or "education," or "art"? Would the word "art" include rope-dancing? The Judges would be placed under great difficulty in construing such words. It would be better to abolish all exemptions whatever. The societies spent in contesting their liability far more than the amount of the rates which could be claimed. He thought that while hospitals, churches, and other public buildings, were rated for the support of the poor, institutions like those comprised in this Bill ought also to be rated.

MR. PULLER said, he should support the principle of the Bill, as being already known to the law. He believed that the courts of law would so construe the clause as to avoid the difficulties which had been suggested by different hon. Members. With regard to the particular Amendment under consideration, it appeared to him that the right hon. Gentleman (Mr. Bouverie) ought, if he followed the just conclusion to be drawn from the observations with which he had introduced the Amendment, to give his support to the introduction of the word education.

MR. MILES suggested, that instead of the word "education," the words "places of instruction for the poor" should be inserted.

MR. BOUVERIE said, he should have been very willing to exempt such schools, but he was told it was impossible to bring them under the operation of this Bill, which contemplated societies having rules established for their management.

Question put, "That the word 'Education' stand part of the clause."

The Committee *divided*:—Ayes 82; Noes 111: Majority 29.

MR. HARDY then moved to insert the word "fine" before the word "art." The decisions of the Court of Queen's Bench had brought the law into a clear and intelligible state, and this clause without the Amendment would confuse it.

Amendment proposed, in line 14, after the word "the" to insert the word "Fine."

MR. HUTT opposed the Motion, on the ground that while it would exempt from the payment of rates galleries of painting and statuary, it would include institutions established for teaching reading, writing, and arithmetic, and for instructing the people in the art of chemistry and all branches of knowledge which might be illustrated by experiments.

MR. PALK said, he should support the Amendment. He had imagined the meaning of the clause to be in accordance with it, and that the insertion was unnecessary. But he now found that the words were intended to have a wider scope, and without the word "fine" the law would be evaded.

MR. W. EWART said, that the great object was to extend the study of the fine arts to art as applied to workmen. They wanted fine arts extended downwards.

Question put, "That the word 'Fine' be there inserted."

The Committee *divided*:—Ayes 97; Noes 96: Majority 1.

MR. BERESFORD HOPE then proposed to insert the words "or elementary instruction." Such schools had an equal claim to exemption as any institution exempted by the Bill.

MR. BOUVERIE opposed the Amendment. The Committee had decided that exemptions should not be carried further than they were carried already.

MR. W. VANSITTART also opposed the Amendment.

Motion, by leave, *withdrawn*.

MR. HARDY said, he should move the addition of the word "exclusively" after the word "arts." As the clause stood, a large and exclusive luxurious building might be exempted by being associated with rooms devoted to the fine arts. There must be some limitation.

Another Amendment proposed, in line 14 after the word "Arts," to insert the word "exclusively."

MR. HUTT opposed the Amendment as

unnecessary. The law already disqualified buildings of the kind alluded to. What the Judges would have to consider, would be the final object of the institutions which it was sought to exempt. They ought not to prevent their giving a cup of tea for the comfort of the members.

General THOMPSON said, he also opposed the Amendment. Surely it was not intended to do nothing for institutions which might be open only one day in the week, or one hour in the day. These were the very institutions of the poor; and if the House was sincere in its desire to promote such, some way would be found to give them the advantage of this Bill.

Mr. JOHN LOCKE said, that he also was in favour of some limitation. The Judges could not lay down a precise law, and it was impossible to say where they were to stop.

Mr. W. EWART said, that the object of the Society of Arts, from which this Bill proceeded, was to get rid of the word "exclusive," because they found they could not extend the object of their institution under the actual law. The spirit of the proposed Bill would prevent any abuse.

Mr. PEASE observed, that he hoped the House would not assent to an Amendment, the effect of which would be to exclude mechanics' institutes from the advantages of the Bill. If hon. Gentlemen objected to those institutions, or were opposed to the spread of education by such means, they should say so in terms. He must also deprecate these fine-drawn distinctions as being at variance with the principle established by repeated decisions of that House.

Colonel SYKES remarked, that he wished to know whether, if the Amendment should be carried, the taking of a newspaper by a mechanics' institute would exclude it from the operation of the Bill?

Mr. HARDY said, he thought it was unfair that those who objected to the form of this Bill, should be denounced as objecting to the spread of education. The Amendment was intended only to place the matter in the same position as it was in at present. Without the Amendment the clause would only give rise to incipient litigation. With the Amendment there would be no difficulty, as the law had been already clearly laid down by the Judges.

Question put, "That the word 'exclusively' be there inserted."

The Committee *divided:*—Ayes 114; Noes 69: Majority 45.

Mr. Hutt

Mr. HUTT said, after the decision of the Committee, which entirely changed the object of the measure, he did not think it would be of any use to proceed further, and he therefore should move, that the Chairman report progress.

House resumed.

[No Report.]

MEDICAL PROFESSION (No 1) BILL.

BILL WITHDRAWN.

Order for Committee read.

Mr. HEADLAM, before moving that the Order for the Committee upon this Bill be discharged, wished to say a few words in explanation. After the House had assented to the second reading of the Bill, it became the duty of those who were charged with the conduct of it, to consider whether there was any prospect of being able to pass it during the present Session. It appeared to them that it would be useless to proceed at present. He wished, however, to call the attention of the Government to this important and difficult subject, and as the House had by a considerable majority sanctioned the measure he had introduced, he thought it would be the duty of the Government to bring in a Bill based upon the same principles. Should they do so, he undertook to give it his most earnest support; but if they should not do so, or should seek to legislate in the spirit of their recent Bill, he should offer his most strenuous opposition. With these remarks, he should now move, that the Order for the Committee be discharged.

Order *discharged.*

Bill *withdrawn.*

LAMBETH ELECTION—REPORT.

House informed, that the Committee had determined—

That William Roupell, esquire, is duly elected a Burgess to serve in this present Parliament for the Borough of Lambeth.

And the said Determination was ordered to be entered in the Journals of this House.

House further informed, that the Petition of Patteson Nickalls and Robert Henry Bristowe is frivolous and vexatious.

Report to lie on the table.

It being Six of the clock, Mr. Speaker adjourned the House till To-morrow, without putting the Question.

HOUSE OF LORDS,

Thursday, July 16, 1857.

MINUTES.] PUBLIC BILLS.—1ª Militia Ballots Suspension; Bill Chamber (Scotland); Glebe Lands (Ireland).

2ª Prisoners Removal; Turnpike Trusts Abolition (Ireland).

THE INDIAN MUTINY—FINANCE.

OBSERVATIONS.

THE EARL OF ELLENBOROUGH: My Lords, I beg to call the attention of the noble Earl opposite to a notice which has been issued by the East India Company for tenders for steam vessels of not less than 1,000 tons burden each to convey troops to the number of 6,000 to Calcutta, the freight to be paid in India at the rate of 2*s.* 0¼*d.* per rupee. About a fortnight ago I called the attention of the noble Earl to another notification on the part of the East India Company ordering a rate of exchange which would force remittances from India. It appears to me that the object of this proceeding is precisely the same, and I protest on the part of the Government of India and of the public service against any measure, the effect of which is to compel payment in India at the present time by the Calcutta Treasury of sums which might be better paid here. I know the difficulties in which that treasury must be involved. The Government of India is at present deprived of all financial resources from the North-Western Provinces. Madras pays for itself, but cannot help you. Bombay is subjected to heavy charges on account of the war with Persia, and will not pay more than its own expenses. The whole additional charges arising out of the military operations connected with the mutiny must be defrayed by the treasury at Calcutta, out of the revenues of Bengal alone. These charges will be enormous. I think the noble Earl is in error when he supposes that the Government of India will be capable for a considerable time to meet them. The noble Earl is in error when he supposes that there is a balance of £10,000,000, or anything like so large a sum in the Calcutta Treasury. The whole of that sum of £10,000,000, if it exists, is not in the Calcutta Treasury, upon which alone these expenses will fall; but in the treasuries of Madras and Bombay, as well as that of Calcutta. Some of the treasure which belongs to Bengal is scattered all over the Presidency, and a considerable portion is in that part of the Upper Presidency which is now in the possession of the insurgents. I believe, indeed, that three or four of these local treasuries have fallen into the hands of the mutineers in consequence of the delay in the advance of our troops, caused, as I stated the other night, by the heat of the weather, and by the want of carriage, but, as I now learn from authentic information, from the desire of General Anson to bring up a battering train. The whole of the treasure at Calcutta would not appear to be available for the purposes of the war. I understand that a large part of it has practically been appropriated, while another portion is in paper, and is, under present circumstances, of little or no value. The only fund really available is the coin, and that, I believe, forms no very considerable part of the entire amount. Now, very heavy charges have to be borne by the Bengal Treasury in respect of freight. I judge from this notice that the same system has been pursued in regard to other transmissions of troops; and in all cases it is agreed that this freight should be paid in India. First, there is the freight of 6,000 men, 3,000 of whom are of the Queen's service and 3,000 of the Company's service, who are going out as recruits to supply vacancies in the ranks of the army and not as reinforcements. Then there is the freight of eight regiments, which we are given to understand have already been ordered to proceed to India. Next the freight of the five regiments from China now comes due by India, to which has to be added the expense of conveying six regiments more. There will also be the freight of the artillery and the cavalry, if they are sent out, as I trust they will be. The charge for these different items will be enormous, and if they are all to be paid in India, and not here, depend upon it the Government of India will be perfectly unable to meet the heavy burden that will be thrown upon it for providing the means of transport for so vast a number of troops. This is a very serious consideration. The point of the most essential importance is, that the Government of India should have the means of making movable the force sent to them. If they cannot do that, the force might as well not be sent at all. I therefore trust this matter will engage the close and serious attention of Her Majesty's Government. For my own part, I feel satisfied that the moment is come when Her Majesty's Goverment must intervene with the credit of this country to enable the Court of Directors to pay their own expenses for a considerable period without any remittances from India. India is incapable of making those remittances without crippling her own resources—resources which it is absolutely necessary should be appropriated to furnishing the means of movement for the army, and for operations in the field. I hope Her Majesty's Government will afford that assistance without delay. It should be given to the extent of £5,000,000 sterling. The whole of that amount need not, however, be all paid down at once. If a loan of £5,000,000 were contracted for under the guarantee of Her Majesty's Government, it would only be requisite that a sum of £600,000 should be paid in the first month, the remainder to be raised by subsequent instalments of £400,000 each succeeding month until the entire amount is paid. It is my firm belief that a measure of this kind is indispensable, because it will be found that the draughts and remittances from India will cripple the power of the Government of that country, and render it incapable of doing that which is imperatively demanded by the interests of the empire.

EARL GRANVILLE, who spoke in a very low tone, was understood to say that he had had no opportunity of personally communicating with the authorities of India on the subject to which the noble Earl had referred. He was unable to state what was the exact amount in the Calcutta Treasury; he had, however, received information that the proposed mode of paying for the conveyance of these troops was in strict accordance with the usual practice; and he also understood that the Governor General had ample means at his disposal for defraying the charges for freight. The subjects to which the noble Earl had adverted were of the greatest importance, and he could assure their Lordships that they would receive the careful attention of the Home Government.

THE EARL OF ELLENBOROUGH: My Lords, I do most earnestly hope that the noble Earl and the noble Duke opposite, who manifest so deep an interest in the affairs of India will take the trouble of looking into this matter themselves. They may depend upon it that they cannot safely trust to clerks either at the India House or at the India Board. Unless they examine into these affairs personally, and have before them a statement of the funds actually in the Treasury at Calcutta and in all the other treasuries of India at the very latest period at which the account was rendered; unless they ask questions with respect to those funds and ascertain how far they are really available for the purpose of military operations,—they may rely upon it that, with the best possible intentions, they will fall into the most grievous and fatal errors.

EARL GRANVILLE was understood to say that his right hon. Friend the President of the Board of Control was not backward in fulfilling the duties imposed upon him by the present emergency; on the contrary, he was at that moment devoting his utmost energy and attention to the consideration of every measure adapted to meet that emergency.

THE EARL OF ELLENBOROUGH: My Lords, that may be the belief of Her Majesty's Government; but I communicate very extensively with gentlemen connected with India, and I never meet one man among them who has not the most thorough distrust of the right hon. Gentleman now at the head of the Board of Control.

GREAT NORTHERN RAILWAY (CAPITAL) BILL.

THIRD READING.

Bill read 3^a, with the Amendments.

LORD ST. LEONARDS said, he wished to refer to the circumstances under which this measure came before the House. The object of the Bill was, to settle from what fund the losses sustained by this company through the frauds committed by Leopold Redpath, lately one of its own officers, should be made up, and the proposal was, to throw upon the preference shareholders in the company the liability for a portion of the losses occasioned by the Redpath frauds. There could be no doubt that the directors of the company were well acquainted with the antecedents of Redpath, and aware of his extravagant habits; to such an extent was his extravagance carried, that, although he was only a clerk at a salary of £200 a year, he lived in most affluent style, and thought proper, at the Paris Exhibition, to compete with the Emperor himself for the possession of a work of art, which he succeeded in obtaining at a cost of 700 guineas. Yet this person was allowed to commit frauds to the extent of a quarter of a million of money—and those frauds were vast in number, and spread over several years; and during all that time the directors shut their eyes, and did not take even ordinary pains to inquire into and ascertain the state of their share list. What was a railway company but a large partnership? and what would be said of a partnership, the members of which did not know who were their partners, or to whom the dividends of profits were payable? The shares which Redpath had forged, it had been thought prudent by the company to acknowledge; but, as yet, he had not heard any argument to show that, in point of law, those shares were to be created at the cost of the preference shareholders. The chairman of the company was a gentleman of great respectability, whom he had the pleasure of knowing; and he (Lord St. Leonards) had impeached the conduct of that gentleman as a public director of the company in connection with his co-directors without the use of unseemly language; but that gentleman had acted otherwise, and in bringing his (Lord St. Leonards') name prominently forward at a recent meeting of the shareholders had spoken of him, though certainly much to the distate of the meeting, in a most disrespectful manner. He actually stated, although he had an accurate report before him of what he (Lord St. Leonards) had said, that he (Lord St. Leonards) had himself advised the repudiation of the stock. Now, he begged to say, that he had never uttered a word of the sort. What he did say was, that as the company were not legally bound, it was merely a question of policy as regarded the Stock Exchange, whether the forged shares should be acknowledged or not. The question then arose, how these frauds should be met. The directors at first proposed to capitalize the amount of the loss, making it represent so much additional capital. He (Lord St. Leonards) had been charged with speaking from interest on this subject, but he had directed the whole of his interest in the company to be sold, and it was only because a small portion of it would not fetch near its value that it alone remained unsold. He was willing to sustain a loss rather than be exposed to this charge. No man, indeed, who valued his property, would choose to leave any portion of it under such a direction. His noble Friend the Chairman of Committees (Lord Redesdale) thought that, as there had been great neglect on the part of the directors, the proper way would be to withhold all dividends upon the stock which they held by way of qualification until the loss was made up. But the directors now proposed to meet the loss by appropriating the whole of the half year's dividend, amounting to nearly £250,000, to the extinction of the forged capital, by buying up so much of it as would reduce the capital of the company to the amount at which it stood before the forgeries took place. But, if such a proceeding could be equitably taken, the loss might have been thrown over several half-years, since there were many persons, including women, whose whole dependence was upon the dividends of this company; and the loss and inconvenience to such persons from cutting off an entire half-year's income could scarcely be overrated. The arrangement which the Bill proposed to carry into effect would, no doubt, operate very well upon the Stock Exchange, but it dealt with the interests of the preference shareholders in a manner which he trusted their Lordships would not sanction. He, for one, was prepared to maintain that, according to the correct view of the obligations into which the directors had entered with those shareholders, they were entitled to receive payment before the other shareholders, and he apprehended that no reasonable doubt could be raised by anybody as to the justice of the opinion that the Act of Parliament provided, that each year should be made to answer its own particular engagements. If that were the case, then the loss occasioned to the company by the frauds which had been committed ought, at all events, instead of being thrown over one-half, to be extended over the whole of the current year. He must warn their Lordships that, if they were to strike at the interests of the preferential shareholders by passing the Bill as it stood, they would, while conferring a benefit upon certain parties, do much damage to the railway interest in general. Upon public grounds, therefore, he should call upon their Lordships not to take that course. The Bill, as it came up to them from the House of Commons, simply provided, that the money in the hands of the company should be devoted to making good the defalcations which had taken place; but the interests of the preferential shareholders were left untouched—at least there was nothing in the Bill to negative them; but the Committee of their Lordships' House, to whom the Bill had been referred, instead of allowing the clause which had been framed with that object to continue as it stood, had added to it certain words to the effect that the payment should be actually binding and conclusive on all the shareholders. Now, the effect of that proposition, if carried out, would be, that no preference shareholder, whatever his right at law might be, would be in a position to prosecute that right either against the directors or against the company generally. Nothing, therefore, he should maintain, could be more unjust than the adoption of the recommendation of the Committee. The preference shareholders, in acceding to the Bill as it had been brought up from the other House of Parliament, considered that they were submitting to what was a very grievous burden; and their Lordships must bear in mind that, at the last meeting of the shareholders, a majority, although a small one, of those who were present were opposed to the measure as it stood. It must also be taken into account, that the number of ordinary was much greater than the number of preference shareholders, so that, of course, the latter were completely overruled by the former. As for the proxies, there was very little reliance to be placed upon them, inasmuch as those who had signed them had been told that they would not receive a dividend at all if the Bill did not pass. The subject was one in reference to which he had had a great number of letters addressed to him, and it had excited great public interest; and he could only say, in conclusion, that if their Lordships were to pass the Bill in its present shape, the infliction of a great hardship upon the preference shareholders would be the result. The promoters of the Bill, it was true, had the opinion of the Attorney General in their favour; but he had the opinion of other counsel to the effect that the preference shareholders were entitled to a full year's interest. Under these circumstances he should move that the words added by the Committee of their Lordships' House, and to which he had referred —namely, "And therefore the said sum of £243,923 5*s*. 8*d*. shall be considered to have been duly divided among all classes of the shareholders of the company," be omitted, and the Bill thus allowed to stand in the position in which it was when it had come up from the House of Commons.

Moved, To leave out from ("respectively") to the end of the clause.

LORD WENSLEYDALE said, that, like his noble and learned Friend, he unfortunately was a preference shareholder in this company, but not to a considerable extent. When he understood what the measure was which had been introduced into the House of Commons, he and the other preference shareholders petitioned against it. Their petition was not successful. When the measure came on for a second reading in this House, he thought he had a right, as a Member of Parliament, to express an opinion that the loss ought to come out of the annual profits. The effect of the measure as it now stood was unjust. He wished not to be precluded from any rights he might have at law by any decision of their Lordships.

THE MARQUESS OF WESTMINSTER said, the point they had before them at that moment was, whether they should consult the views and interests of the preferential shareholders, or the interest of the shareholders in general. The Attorney General had given his approval of the Bill, and it was then placed before the Committee of the House of Commons, and received their unanimous sanction. The noble and learned Lord opposite talked of the hardship of depriving the preferential shareholders of their dividends; but was it not also a hardship to deprive the ordinary shareholders of their dividends? And this ought also to be considered, that by the arrangement proposed by the noble and learned Lord, the preferential shareholders would receive the whole and the others get nothing; whereas, by the Bill as it stood, the preferential shareholders would not suffer as much as the ordinary shareholders, but would not receive the full amount of their interest. The Committee of the House of Commons and the Committee of their Lordships' House had come to the unanimous conclusion that this course ought to be followed, and he trusted it would receive their Lordships' support.

THE EARL OF STRADBROKE was understood to support the Bill as it stood. If the proposition of his noble and learned Friend was carried, the preferential shareholders would altogether escape from the loss.

LORD ST. LEONARDS said, that he had not argued in favour of the preference shareholders; his only object was to restore the Bill to the state in which it came from the House of Commons.

LORD REDESDALE said, that when the first Bill was introduced upon this subject, it was proposed to capitalize the amount with which the company had been fraudulently charged. He conceived that that was a principle of a most dangerous character, and he added to his disapproval of this measure the expression of his opinion, that the directors were greatly to blame, and that if Parliament were applied to to permit the loss to be carried over a length of time, it would be very proper that the dividends payable on the directors' qualifications should be suspended during that time, and applied as part of the funds to make good this loss. As concerned the Bill as it now stood, he confessed he was disposed to adhere to the decision of the proprietors, who had come to the conclusion that the loss should be paid out of the dividend of a single half-year. The preference shareholders were by no means an unimportant minority of the proprietary, and, as this decision had been come to, he was not disposed to interfere with it.

Lord STANLEY of ALDERLEY said, he was inclined to concur in what had been said by his noble Friend, and to regard these words as merely explanatory of what was the view taken by the House of Commons. A preference shareholder had no right to be relieved from his share of any burden imposed upon his brother proprietors, over whom he had no advantage except as to the priority of title to dividend when the receipts were not sufficient to satisfy the claims of all shareholders. The object of this Bill, which was approved by a large majority at a meeting of proprietors, at which the preference shareholders were well represented, was to prevent further litigation, and he therefore thought that their Lordships would do greater justice to all parties by allowing the Bill to remain as it had been altered by the Committee than by omitting these phrases, which were only supplemental words put in to carry out the intention of the other House of Parliament.

On Question, Whether the words proposed to be left out shall stand part of the Bill? their Lordships *divided*:—Contents 43; Not-Contents 7: Majority 36.

CONTENTS.

Newcastle, D.

Breadalbane, M.
Westminster, M. [*Teller.*]

Airlie, E.
Beauchamp, E.
Chichester, E.
Cowper, E.
Essex, E.
Fortescue, E.
Glengall, E.
Granville, E.
Harrowby, E.
Lucan, E.
Romney, E.
Stradbroke, E.

Bolingbroke and St. John, V.
Falmouth, V.
Melville, V.
Sydney, V.
Torrington, V.

Ripon, Bp.

Aveland, L.
Bagot, L.
Broughton, L.
Byron, L.
Camoys, L.
Churchill, L.
Clandeboye, L. (*L. Dufferin and Claneboye.*)
Dacre, L.
De Mauley, L.
De Tabley, L.
Foley, L. [*Teller.*]
Minster, L. (*M. Conyngham.*)
Mostyn, L.
Oriel, L. (*V. Massereene.*)
Panmure, L.
Ponsonby, L. (*E. Bessborough.*)
Redesdale, L.
Rivers, L.
Saye and Sele, L.
Stanley of Alderley, L.
Sundridge, L. (*D. Argyll.*)
Wrottesley, L.

NOT-CONTENTS.

Manchester, D. [*Teller.*]

Graham, E. (*D. Montrose.*)

Dungannon, V. [*Teller.*]

Congleton, L.
Saint Leonards, L.
Wensleydale, L.
Wynford, L.

On the Motion of Lord WENSLEYDALE the following proviso was added to Clause 5—

> "Provided, also, that nothing herein contained shall in any way affect the right, if any, of the company or the proprietors of the shares therein to recover against their directors or officers of the said company for any neglect or misconduct on their part in the matters in the recital of this Act mentioned."

Bill *passed*, and sent to the Commons.

CROWDED DWELLINGS PREVENTION BILL.

COMMITTEE ON RECOMMITMENT.

House in Committee (on recommitment) (according to order).

THE EARL OF SHAFTESBURY said, that a justification of the additional powers which the Bill would grant to remedy the evils of crowded dwellings would be found in a Report of the Commissioners of Police on the subject. The Act of 1851 had been beneficial beyond expectation. A better class of lodging-houses had sprung up, and accommodation of a higher standard was provided without increased payment. A case that had occurred under the amended Act furnished an example of the nature and extent of the evils which arose in lodging-houses not controlled by law—

> "At a house, No. 17, Lincoln Court, St. Giles's, in one room ten feet square, wherein three persons would be allowed by the regulations now enforced, seven men, nine women, and one child, were found huddled together in a most filthy

state; the bedding dirty beyond description, no partitions or ventilation; and a few minutes before the visit of the officer one of the women had been confined. The keeper was summoned on the 24th of October, 1854, to Bow Street Police Court, and fined £4, or six weeks' imprisonment."

Not less than forty-eight medical men, being the metropolitan medical officers of their several districts, and living in the most densely crowded parts of the metropolis, attested the beneficial effects of the law. They stated that there had been a complete cessation of fever in these lodging-houses, that there had been a great diminution in other diseases, a disappearance of vermin, and an increase of cleanliness, decency, and order. Forty medical men from the provincial districts gave their testimony to the same effect. The Report of the Commissioners of Police issued a few weeks ago stated—

> " The Act (says the Report of 1857) for the well-ordering of Common Lodging-houses has now been in operation since the year 1851, and has been attended by most beneficial results. Before this enactment the evils existing in the lodging-houses of the poor were beyond description. Crowded and filthy, without water or ventilation, without the least regard to cleanliness or decency, they were hotbeds of disease, misery, and crime. Under the operation of the Act the evils attending such houses have been in a great degree removed or abated. It must, of course, be a work of time to establish a complete system of supervision, and there will be need of constant vigilance to maintain it; but a vast amount of improvement, sanitary and moral, has been already effected. The houses are now much improved and daily improving, the keepers are of a better class, and, without increase of payment, the accommodation provided for the poor is, in all respects, of a higher standard. These results will, without doubt, follow in greater degree as the operation of the law extends itself and becomes more searching and complete."

He remembered the state of the lodging-houses of the metropolis before the Act of 1851, and he could assure their Lordships that the change approached the marvellous. Instead of dirt, impurity, and indecency, there was now cleanliness, decency, and order. He would take one sample. In Mint Street there was a lodging-house called " Jack Sheppard's house," which used to be frequented by such a desperate class of inmates that the police seldom dared to visit it even in the discharge of their duty. This House used to be a hotbed of vice, crime, and disease, but it was now precisely the reverse. He paid this house a visit not long ago, and he found in it eighty inmates in the common rooms, all peaceful and orderly, some engaged in cooking, others in eating, reading, or conversation. He next went upstairs, where he found everything sweet and clean, and when he spoke to the inmates they said that the change had been greater than they could have supposed it in the power of any Act of Parliament to produce. The Scripture readers and city missionaries now had access to these houses, and a great effect was produced by their ministrations. On the Sunday before last one of the missionaries went his round through one of the most populous districts of the metropolis, which used also to be one of the most degraded. He found every one of these lodging-houses vacant, the whole body of the inmates having gone to attend the evening service in Exeter Hall. He felt bound to express his deep gratitude to the Commissioners of Police for the manner in which they had carried into effect the provisions of the statute. The labour thereby imposed upon the police had been very great. The Commissioners stated in their Report—

The Earl of Shaftesbury

> " In enforcing the provisions of the Common Lodging-houses Act, great care has been taken to impress upon the minds of the officers engaged in this duty the necessity of consideration and forbearance. The result of this system has been highly gratifying. During a period exceeding five years ending 1857, about 700,655 visits have been made, both by day and by night, among a class of persons deemed almost incorrigible, without the occurrence of one assault on any of the officers, and without one just complaint of intrusion into a 'private dwelling.' "

The weekly distance travelled by the police in carrying out this Act was 800 miles, exclusive of the labour of mounting upstairs, diving into cellars, going to fetch medical men, and making their reports. Every night from 40,000 to 50,000 persons slept in these registered lodging-houses, and whenever he had paid night visits to these places he had found the Act duly carried out, and the rooms strictly sweet, wholesome, and well ventilated. There was, nevertheless, something to be done, and it was necessary that a certain class of houses and rooms should be brought within the beneficial regulations of the Act. These were tenement houses or tenement rooms as they were called, which were occupied by a number of persons professing to be members of a single family, one of whom paid the rent. The principle of English law, that " every man's house (or room) was his castle," was here grossly abused. The magistrates, whom he did not blame, had ruled that although a single room might be tenanted by a vast number of people, yet that if the person who hired the house or the room, and who paid the rent, declared that all the persons living with him were members of the same family, that was a private room or house, and could not be brought within the Act. The Report of the Metropolitan Police for 1857 gave the following description of one of these tenement rooms—

> "In the occupation by families of single rooms all the evils incident to the crowding of persons together without regard to age or sex are produced. On visiting a house in Church Lane, St. Giles's, soon after midnight, there were found in a room, measuring 14 feet 6 inches by 14 feet 6 inches, no less than thirty-seven men, women, and children, all lying together on the floor like beasts, with scarcely any other covering than the clothes taken from their persons, which they had worn throughout the day. On opening the door leading into this loathsome place the heat was so great and the odour so offensive as to make it nearly unsupportable. No means whatever were employed to ventilate the room, except the chimney."

Dr. Letheby, the able medical officer of the City Board of Health, said in his valuable Report for the present year that there were—

> "Numerous instances where adults of both sexes, belonging to different families, are lodged in the same room, regardless of all the common decencies of life, herding together like brute beasts; where all the offices of nature are performed in the most public and offensive manner, where every human instinct of decency is smothered—a woman suffering in travail in the midst of males and females of different families that tenant the same room, birth and death going hand in hand."

A scientific man would tell their Lordships that "in such a polluted atmosphere it was not surprising that epidemic and other infectious maladies should almost decimate the population." These persons, occupying tenement houses or rooms, as he had stated, were excluded from the operation of the Bill, because they declared that they were all members of the same family. The definition of the word "family," as given in the Bill, embraced within its compass the relations of grandfather and grandmother, and must, he thought, be regarded as sufficiently liberal in its character. It would, in fact, leave a large number of homes which would be untouched by the law; and yet the testimony of the inspecting sergeants of police, as well as of medical men of the greatest eminence throughout the country, was to the effect that, unless those houses containing single families were brought under the control of legislation, the ravages which fever and disease committed among the lower classes could never effectually be put an end to. But, although he felt that the Bill did not go so far as it was desirable that it should, he had to a great extent paid regard to the dwellings of private families notwithstanding; but it was his opinion that no great hardship would be inflicted upon them if they were, as far as possible, brought under the operation of the Common Lodging-houses Act, and thus enabled to enjoy the advantages of an improved ventilation and greater cleanliness. The 4th clause of the Bill gave to the Commissioners of Police the power of calling upon the local authorities to put into operation the Nuisances Removal Act of 1855, section 29, and having stated thus much he believed he had put their Lordships in possession at least of the substance of the measure. It was one of a character very simple and very short. It conferred no new powers, although it assigned some new duties, and if it were permitted to pass into a law it would, he felt assured, conduce to the removal of many evils, the magnitude of which could be ascertained by personal observation alone. In making an effort of that kind their Lordships had to deal with a class of people who, however degraded they might seem, were good at the bottom, and who were animated by aspirations nobler than their position enabled them to carry into effect. In helping these persons, so far as to give them the power to help themselves, their Lordships would be conferring upon them a great boon, and he felt assured that every effort which was made in that direction would be amply repaid by the increased industry and comfort of which it would be productive, and by the gratitude which it would inevitably evoke.

Amendment made. The Report thereof to be received *To-morrow.*

JOINT-STOCK COMPANIES BILL.

COMMITTEE.

House in Committee (according to Order).

Lord WENSLEYDALE moved the insertion of a clause to the effect that judgment creditors should not be deprived, as the Bill proposed, of that priority of claim which the fact of having obtained a judgment under the operation of the existing law conferred. His Lordship added that the creditors of the Newcastle Bank complained of the measure in that respect, and were the advocates of the Amendment which he suggested.

THE LORD CHANCELLOR opposed the clause. The Bill had received the approval of the other House, and was intended to remedy a defect in the existing law which enabled every creditor of a bank to bring an action against the company, and then to take out execution against each of the shareholders, thus multiplying the proceedings to an unlimited extent. This Bill now adopted the provision in the late Bankruptcy Act, by which five-sixths of the creditors could make an arrangement which would bind the other sixth, with a view to a settlement of their claims, and in such a case the whole assets would be placed in one common fund and distributed rateably among the creditors. He thought that the proposition made by the noble and learned Lord came somewhat ungraciously from the creditors of the Newcastle Bank, who had already received 2*s.* in the pound upon their debts, and he therefore trusted that their Lordships would not listen to it.

Amendment *negatived.*

Bill *reported,* without Amendment.

Amendment made ; and Bill to be read 3ª *To-morrow.*

THE NATIONAL SURVEY.

MOTION FOR COMMITTEE.

THE DUKE OF BUCCLEUCH, in rising to move that a Committee be appointed to inquire into the question of what was the proper scale for a national survey, said, that he was inclined to bring the subject before their Lordships by what had taken place in the other House of Parliament. At one time the 1-inch scale, at another the 6-inch scale, and at another the 25-inch scale had been approved, and each in turn had been condemned, and he thought that it would be most desirable that the question should be finally set at rest by the Report of a Commission of persons whose experience qualified them to form a correct judgment on the subject. The national survey had been lingering on since the year 1827, when the southern counties of England had been surveyed on the scale of one inch to the mile. In 1824, when for the purpose of valuation of town lands in Ireland it was necessary that that country should be surveyed, a Committee of the other House of Parliament, presided over by Lord Monteagle, then Mr. Spring Rice, had decided that a survey on the 1-inch scale would be useless, and they recommended, and the Government adopted their recommendation, that the survey should be on a scale of not less than six inches to the mile. The survey of England was therefore suspended ; and when resumed, the 6-inch scale was adopted for the northern counties, and for the whole of Ireland. In 1840 it was proposed that Scotland should be surveyed on the 6-inch scale. Now, the 6-inch scale was too large for military or geographical purposes, but was not large enough for other purposes, such as tithe computation or valuation, as had been proved by the survey of Ireland on that scale having been found useless for those purposes. In Ireland, for the purpose of valuation, a new survey had been made ; and if the original survey had been on the 25-inch scale, it could have been made at a less cost than had been caused by the 6-inch scale. He believed that the cost of a survey on the 25-inch scale was about 11¾*d.* an acre, while that on the 6-inch was 10¼*d.*, so that the difference in the original expense was not very great. As to the idea that Scotch landowners wished to get their estates surveyed at the public cost, such an idea was absurd, inasmuch as their estates had already been surveyed ; but he felt that, for general purposes, a survey on the 25-inch scale would be most advantageous, as had been proved in France and other continental countries.

Moved, "That an humble Address be presented to Her Majesty, praying Her Majesty to be graciously pleased to appoint a Royal Commission to inquire into the whole subject of the National Survey, and upon the Scale or Scales on which it should be made and on which it should be published."

LORD PANMURE said, he entirely approved the object of his noble Friend's Motion. It had been stated in another place that this survey was a job. He could not see upon what ground that assertion was made, because, in his opinion, a great national survey could be of no interest to any single individual so much as to the public at large, who were to benefit by it. The survey was originally commenced on a small scale, which was afterwards extended. It had proceeded to a certain length in England when it was stopped, in order that the survey of Ireland, which a Committee of the House of Commons had decided should be on the 6-inch scale, might be completed. The 6-inch scale had been found inapplicable to the national purposes of a survey, and, acting upon that experience, Colonel James, the able superintendent of these operations (than whom there was no one better qualified to direct them), suggested the adoption of a 25-inch scale for the remainder of England and for the whole of Scotland, the survey of which country had not been commenced. It had been said that the adoption of this scale for the north of England and Scotland was a job to satisfy the country gentlemen of that part of the empire. Now, he would undertake to say that there was not a landed proprietor in that part of the country who had not already been compelled to survey his estate for his own purposes. The maps so produced, however, were not maps by which the public could be guided, and if there were to be any national document at all, there ought to be a national survey of the whole country eventually carried out upon one scale, but which he would not take upon himself to say. The other House of Parliament had decided upon the scale three or four times, and each time it had pronounced a different opinion. He therefore thought that the course proposed by the Motion of his noble Friend opposite was the most sensible one which could be pursued in this matter. An hon. Member of the other House had said that he should have no confidence in any Commission which might be appointed by the Government. If a Commission was appointed, however, it should consist of such men as the Presidents of the Royal and Geographical Societies, joined with others eminent for scientific or legal attainments. It would then be for that Commission to decide, once for all, on what scale the national survey should be conducted, and for the House of Commons to say at what rate the public money should be expended for conducting it upon that particular scale. All he could do, pending the labours of the Commission, was to complete the survey on the 25-inch scale of such parishes as had already been begun; he could not undertake any fresh surveys upon that scale. He consented to the Motion of his noble Friend, and would take the greatest possible pains to form a satisfactory Commission.

After a few words from the Duke of BUCCLEUCH,

Motion *agreed to.*

House adjourned at Eight o'Clock till To-morrow, half after Ten o'clock.

HOUSE OF COMMONS,

Thursday, July 16, 1857.

MINUTES.] PUBLIC BILLS.—1° Police (Scotland); Canada and New Brunswick Boundaries; Chelsea New Bridge.
2° Assessments (Scotland); Loan Societies; Commons Inclosure; Dulwich College; Public Works (Ireland).
3° Fraudulent Trustees, &c.

HUNTINGDON COUNTY ELECTION.

The names of the Five Members appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Huntingdon were called over; and Sir Edward Dering not being in the House, Mr. Speaker informed the House, that he had received a Letter from Sir Edward Dering, stating that his health rendered him incapable of a protracted atttendance upon the Committee, and that Dr. Latham was prepared to give evidence at the Bar that his attendance from day to day would materially injure his health. Letter read, as follows:—

"House of Commons,
"July 14, 1857.

Sir,—I have been selected by the General Committee to serve on the Huntingdon Election Committee, and I beg to submit to you some reasons why I venture to hope that the House may be pleased to dispense with my attendance. I was sent abroad last year on account of my health, and the result is, that I am now quite competent to discharge the ordinary duties of attendance in the House, but as the Huntingdon Committee involves a scrutiny of a very protracted nature, I think it only fair towards the Committee, as well as to myself, to express my conviction that I am not at this moment physically capable of undergoing the labour attendant on a lengthened investigation. My medical adviser (Dr. Latham) is prepared to state at the Bar of the House that he is clearly of opinion that a close attendance from day to day for a considerable period would materially injure my health, and be likely to bring back those infirmities for which he sent me abroad last year. Under these circumstances, Sir, I beg to leave my case entirely in the hands of the House, and to express my entire readiness to abide cheerfully by their decision.

"I have the honour to remain, Sir,
"Your obedient Servant,
"EDWARD CHOLMY. DERING.

"The Right Hon. The Speaker,
&c. &c. &c.

MR. WALPOLE said, he thought the best course would be to summon Dr. Latham to the bar and examine him, and he should move accordingly.

Motion *agreed to.*

Dr. Latham was called in and came to the bar; but afterwards, on the Motion of

Sir George Grey, he was ordered to withdraw, and he withdrew accordingly.

Sir GEORGE GREY said, he wished to ask his right hon. Friend (Mr. Walpole) as the Chairman of the General Committee of Elections, whether he was satisfied that the House had the power now to entertain these objections. Ought they not to have been made to the General Committee and decided upon by them?

Mr. WALPOLE said, the General Committee were bound to proceed according to the provisions of the 11 & 12 *Vict.*, c. 98. After a Committee had been selected to try a particular election petition, it was the duty of the General Committee to give notice to each of the Members so selected. On the following day, hon. Gentlemen might attend the General Committee and state their reasons why they should not be required to serve. The only objections, however, which could be urged were those contained in the 56th section—namely, "by reason of having voted at the election, or by reason of being the party on whose behalf the seat is claimed, or related to him, or to the sitting Member, by kindred or affinity in the first or second degree, according to the canon law." The usual course, when the objection was founded on the ground now taken, was to write to the General Committee previously to the selection, stating the facts on which the claim to exemption was based; the claim would then be recognized by the General Committee, if made before the Select Committee was chosen; but they had no power to do so afterwards, and, as the case of Sir Edward Dering was only submitted to them yesterday, all they could do was to report to the House the Committee as they had chosen it. The House, however, had the power of dealing with the subject under the 71st section of the Act, which enacted that "if on the day first appointed for swearing the said Committee sufficient cause be shown to the House, before its rising, why the attendance of any Member of the Committee should be dispensed with, the said Committee shall be taken to be discharged." The case of the Huntingdon election was a peculiar one. There had been a double return, two of the candidates having polled an equal number of votes; it was likely to be a long inquiry, and it was extremely important that the members of any Committee appointed should be fully qualified to attend from the beginning to the end of the proceedings, in order that the scrutiny might be properly conducted. Now, if it appeared from Dr. Latham's evidence that the health of one of the hon. Members was likely to break down before the Committee had terminated its labours, it would be very desirable that the Committee should be discharged and a new one appointed; therefore the best course they could now take was to call in Dr. Latham, and examine him as to the health of Sir Edward Dering.

Sir GEORGE GREY said, there could be but one feeling on this subject, and that was, to consult as much as possible the feelings of hon. Members in such a case; but when they were proceeding under an Act of Parliament it was essential that the course adopted by the House should be sanctioned by that Act. Now, the 69th section enacted, that if any Member of the Select Committee did not attend in his place on the day appointed for swearing the said Committee, or left the House before it was sworn, he should be ordered into the custody of the Serjeant-at-Arms for such neglect of his duty, and should be otherwise punished or censured at the discretion of the House, "unless it appeared to the House, by fact specially stated, and verified upon oath, that such Member was, by a sudden accident, or by necessity prevented from attending the House." In the present instance, however, there was no plea of "sudden accident or necessity;" the words of the Act were strict and specific; Sir Edward Dering was in his place; and, that being so, it appeared to him (Sir George Grey) that the hon. Baronet must be sworn. The clause quoted by his right hon. Friend seemed only to give the House power, upon cause shown, to dispense with the attendance of any Member on the day fixed for swearing in the Committee.

Sir JOHN PAKINGTON said, this inconvenience would follow if the course of the right hon. Gentleman were adopted: the Committee would have to go on in this important case with four Members. If the clause could be brought to cover the case, through the evidence of Dr. Latham, it would be the best course to discharge the Committee.

Sir GEORGE GREY: If it can be done legally I have no objection whatever.

Colonel WILSON PATTEN said, there was a sufficient reason why Sir E. Dering's attendance should be dispensed with, if Dr. Latham's evidence was sufficiently strong as to his ill health.

SIR WILLIAM HEATHCOTE said, he thought the clause might well bear the interpretation, that if the fact were stated to the House that the hon. Member in question could not attend to the duties of the Committee, that alone might be considered a sufficient cause for the House to dispense with hon. Members attending to be sworn at the table. He was of opinion that Sir E. Dering ought not to be called to the table to be sworn. Of course, the Committee of Elections only wished for the opinion of the House on the subject.

THE ATTORNEY GENERAL said, he concurred with his right hon. and learned Friend (Mr. Walpole) that Sir E. Dering having been once nominated, the Committee of Elections could not now entertain the objection made, and that it was for the House itself to deal with it. If Sir E. Dering was present at the table, and assigned such a reason as had already been assigned for his non-attendance, it would be competent for the House further to inquire and to examine Dr. Latham, and then, the evidence being sufficient, to dispense with his attendance. It was most important that the House should adhere to the words of the statute, or else the proceedings of the Committee might be afterwards held to have been *coram non judice*, and the whole inquiry fall to the ground.

SIR JOHN HANMER said, the same thing took place last year in reference to the case of Mr. Lascelles, when the medical man was examined. The Committee was, in that case, discharged and re-appointed, and he did not see why the same course should not be here pursued.

MR. WALPOLE said, that with a view to regularity in the discussion he should move that Dr. Latham be called in and examined at the bar.

SIR GEORGE GREY observed, that he would not offer any further objection to that course, having given his opinion as to what ought to be the course of proceeding.

MR. ROEBUCK said, it seemed to him that the House was about to subject Sir E. Dering to a system of torture. The right hon. Baronet (Sir G. Grey) appeared to think that Sir E. Dering ought to serve on the Committee until he broke down. Now, surely that was a course which the House in its humanity—to say nothing of its common sense—would not adopt. The House was the sole judge in this matter, and was free to determine whether upon the evidence of Dr. Latham it was probable that the hon. Baronet could serve upon the Committee.

SIR EDWARD DERING said, he was exceedingly sorry that his ill health should have taken up so much of the valuable time of the House of Commons, but he should be still more sorry if the House could, for one moment, suppose that any statement in the letter he had addressed to the Speaker was not true to the letter. He did not know that he could add anything to the statements contained in that letter. If this had been an ordinary Election Committee he should not have attempted to shirk the duty imposed on him; but hearing that it would involve a scrutiny and the investigation of 240 separate cases, he thought it was only right to express a conviction that he was at this moment physically incapable of serving upon such a Committee. However, if the House thought he ought to serve, he would do so as long as he had any strength; but if the House dispensed with his attendance, he should feel grateful. He would act according to the pleasure of the House, and submitted himself to their pleasure.

Question, that Dr. Latham be again called, put, and *agreed to*.

Dr. Latham was accordingly called in and examined upon oath, in relation to the health of Sir Edward Dering. In reply to questions from the SPEAKER, witness stated, that he had attended Sir E. Dering last year, and had advised him to go abroad during the winter. Had been consulted again within the last few days, and was of opinion that Sir E. Dering had begun to show the infirmity for which he sent him abroad in 1856. He greatly feared that Sir Edward's health would be likely to sink under a protracted attendance, day by day, on a Committee.

The witness was then ordered to withdraw.

MR. WALPOLE said, that after hearing the evidence of Dr. Latham there could hardly be a doubt as to the course which ought to be taken. He begged, accordingly, to move, that the attendance of Sir E. Dering on the Committee appointed to consider the Huntingdon County Election Petition be dispensed with, and that the said Committee be taken to be discharged.

Motion made, and Question proposed, "That the attendance of Sir Edward Dering upon the said Committee be dispensed with, and that the said Committee shall be taken to be discharged."

SIR GEORGE GREY said, he wished to point out that the Committee in question had not yet been sworn. There was no one in the House who must not assent to the wish that Sir E. Dering should be discharged, but he thought the course more conformable to the statute would be to swear him first, and to excuse him after. His sole object was to maintain the legality of these proceedings. He denied altogether the assertion of the hon. and learned Gentleman (Mr. Roebuck) that it was wholly in the power of the House to deal with such a question. The whole object of the 11 & 12 *Vict.*, c. 98, was, to take it out of the power of the House.

THE ATTORNEY GENERAL moved the following Amendment :—

"That it appears to this House that sufficient cause has been shown why the attendance of Sir E. Dering as a Member of the Huntingdon Election Committee should be dispensed with."

MR. WALPOLE said, he had no objection to withdraw his Motion in favour of that submitted by the hon. and learned Gentleman.

Motion, by leave, *withdrawn.*

Resolved, "That, in the opinion of this House, sufficient cause has been shown to this House why the attendance of Sir Edward Dering, as a Member of the said Committee, should be dispensed with."

FALKIRK ELECTION—PETITION.

MR. COBBETT said, he rose to draw the attention of the House to the circumstances stated in the petition of James Merry, esq., as they concerned the privileges of the House, and at the same time he would express a hope that the House would accede to the Motion that the General Committee of Elections appoint a Select Committee of five Members to inquire into this petition, and to have power to send for papers, persons, and reports. To this subject he had yesterday adverted, when he presented the petition, but he must now enter upon it at some further length. A petition had been exhibited to Mr. Rickards, the examiner, with recognizances on the 19th of May, but between that time and the 21st either a totally different petition had been substituted, or the original petition had been so far altered by erasures and interlineations, as to be wholly different from that filed in the first instance. He had inquired closely into the facts, and he would state the nature of the evidence to be given before the Committee for the appointment of which he asked. It was thought at first this petition concerned some informality as to recognizances, which informality was cured ; but the defect was not a mere informality, and a question arose whether or not there was a petition at all subsisting, regarding the Falkirk district of Burghs. There could be no doubt the recognizance was entered into in this case on the 19th of May last, before Mr. Rickards. Mr. Rickards would prove this. Mr. Rose, agent for the petitioner, would prove that after the petition had been shown to Mr. Rickards, as it appeared to have been in some respects objectionable, it was sent back to Falkirk, and another petition sent back and presented to the House on the 21st of May—but there was this extraordinary fact that the signature of Mr. Rickards was alleged to be to both petitions. He did not impute any fraud, but only mistake. It was proper, however, in order to prevent the recurrence of such inconveniences in future, that investigation should be made. It ought to be ascertained whether or not the petition now existing was not wholly invalid, inasmuch as no recognizances had been entered into in the subsequent or second petition.

Motion made, and Question proposed, "That it be an Instruction to the General Committee of Elections, that they do appoint a Select Committee, consisting of five Members, to consider the case of the Petition of James Merry, esquire, relative to the Falkirk Burghs, presented on the 15th instant, and to whom the said Petition shall be referred."

SIR GEORGE GREY observed that, assuming all the facts in the petition to be as stated by the hon. Gentleman the Member for Oldham, the objection arose that there were no recognizances at all. If, then, such were the case, the Act prescribed a clear and distinct course—namely, that within ten days after the presentation of the petition, the parties ought to have had their complaints before the examiner of recognizances, who was bound, within five days, to inquire and examine witnesses on oath ; and the decision of the examiner of recognizances, as to their validity, was, under the Act, final and conclusive. No reason had been assigned why the parties had not taken this course ; the events referred to had taken place two months ago ; and yet no complaint had been made till the very day when the Committee was to be sworn. It was quite clear the petitioners should have followed the course pointed out by the Act of Parliament, and the House could not now entertain the matter. Such was his deliberate opinion, as the provision of the Act making the decision of the examiner final and binding had been passed purposely to keep inquiries of this kind out of the House.

MR. WALPOLE asked the hon. and learned Gentleman the Member for Oldham not to press his Motion to a division. The parties who petitioned or complained had not complied with the requirements of the statute, and the House would not be justified in acceding to the Motion. The remedy was clearly before the examiner. The case had been decided four or five years ago. The Act specially provided that if the parties did not take their objection in time, the decision of the examiner should be binding to all intents and purposes, and that costs might be recovered under such recognizance. He hoped the House would set its face most strenuously against this sort of objection being taken—by giving them no encouragement.

SIR WILLIAM HEATHCOTE said, he concurred entirely with his right hon. Friends (Mr. Walpole and Sir G. Grey), and denied there was any valid ground for the Motion. The question was as to the recognizances, and this objection was disposed of by mere lapse of time under the words of the statute.

MR. COBBETT said, the parties had not ascertained what the facts were until the very day before the petition was presented. This was a question not of recognizances, but of petition or no petition—a genuine or a spurious petition. His reason in bringing forward the matter was that the sitting Member could not within the ten days have objected to the recognizances, because he was unaware of the actual facts. He would not, however, persevere with his Motion.

Motion, by leave, *withdrawn.*

Ordered, That the said Petition do lie upon the Table.

SLIGO BOROUGH ELECTION—PETITION.

MR. BUTT *presented* another petition from John Patrick Somers, esq., Member for Sligo, and moved that it be read by the clerk at the table—

It stated, that in his Petition presented on the 15th instant, he alleged as fact that an Action had been brought in the Court of Queen's Bench in Ireland by Charles Sedley against John McGowan, Returning Officer of the Borough of Sligo, for unfairly rejecting the Vote of the said Charles Sedley at the last Election for that Borough; that the Petition complaining of the Return of that Election, alleges that the Mayor of Sligo did at the last Election unfairly reject Votes which ought to have been received; that he has seen a Copy of the Plaint filed in the said Court, and that it appears that the Action was brought as stated; that at the trial of the said Action the whole proceedings at the Election were made matters of discussion and evidence; that at the trial the Attorney for the Plaintiff stated that he had brought the Action at the expense of the Right honourable John Wynne, and that he had received £100 from him to cover his expenses; and that the Petitioner has this morning received information that application has been made to the Judge at Sligo for liberty to send up Bills of Indictment against the Mayor and some of the Poll Clerks for a conspiracy to procure his Return, and prays for inquiry.

SIR G. GREY said, the facts of the petition were so different from those in the petition presented the day preceding, that he would ask whether it would be right to ask the House to come to a vote on the two petitions without the second petition having been printed?

MR. BUTT said, he did not intend to press the consideration of the second petition, but he proposed to move a preliminary Resolution that the proper officer of the Queen's Bench in Ireland should make a return of all the proceedings in the action mentioned in the petition; and he should first move that the Resolutions of the House of 1703 (26th January), be read from the Journals.

Entry in the Journal of the Proceedings of the House of the 26th day of January, 1703, in relation to the Aylesbury Election, read.

MR. BUTT said, he now rose to move that the proper officer of the Court of Queen's Bench in Ireland, should make a return of the copies of the documents in question as regarded these actions at law, which had been commenced in the case of the Sligo election. He (Mr. Butt) was no party to the election, but about two years since he had presented a petition from the sitting Member for Sligo, which resulted in a prosecution of several persons; and felt, therefore, that he should be wrong in refusing to present the present petition. He thought, moreover, that the House would approve of the course taken by the hon. Member for Sligo, in not bringing forward his own case. In the last election, Mr. Somers was elected for the borough of Sligo, against which return Mr. Wynne petitioned. That petition was still pending; but two actions had, nevertheless, been brought in the Court of Queen's Bench in Ireland against the returning officer for not receiving certain votes, and also a criminal prosecution for conspiracy had been commenced for the same. He (Mr. Butt) therefore, as they bore upon the question now at issue, had moved that the clerk should read the Resolutions come to by the House in 1703 in what was known as the Aylesbury case. In that year a person brought an action against the Mayor of Aylesbury for refusing his vote. Three Judges thought the action did not lie; Chief Justice Holt thought otherwise, and the House of Lords was of the same opinion. Thereupon the House of Commons came to the Resolutions just read. In the next Session of Parliament, new actions having been brought by other electors against the same returning officer, the House interposed with a high hand, upon which a memorable contest ensued, ending in what might be called a drawn fight. The House of Commons committed the parties who had brought these actions. An attempt was made to release them by *habeas corpus*, and the Commons committed the parties who brought the writ. The House of Lords then interposed; long conferences were held between the two Houses, in which the Commons steadily maintained their privilege that no other tribunal should decide upon questions of this kind; reasons of great weight were adduced on both sides; but at last a prorogation of Parliament put an end to the imprisonment of the parties, and so far the authority of this House was defeated. From that hour to the present, however, the Commons had never surrendered the privilege which they then claimed, and had never assented to the right of any Court of law to try the claims of persons to vote at elections. If the House now assented to the principle contained in the Resolutions it was necessary that they should stop the proceedings commenced against the Mayor of Sligo. The facts were still stronger than those in the Aylesbury case. There it did not appear that any election petition was pending, while in the present instance not only was an inquiry about to be made, but the petitioner (Mr. Wynne) was the very man who had been the means of bringing the question before another tribunal. No doubt the decision of the House of Lords in the case of "Ashby and White" established the right of a party to bring an action against a returning officer for refusing his vote. But he thought there was an analogy between this case and the injunctions of a Court of Equity. A man had an unquestionable right to bring an action in a court of law; but then Equity interposed and said, "If you bring such an action we will treat it as contempt." Again, Equity would not allow an action to be brought against its officers without its leave, because they were subject to the authority of the court which could punish them if it thought necessary. In like manner the House in 1703 justified its exclusive jurisdiction over returning officers, assuming the power of committing them to Newgate if it thought proper; but on the other hand it considered that it was bound to protect them against a multiplicity of suits and the insupportable expense to which they might thus be put. It was evident that if these questions came before other tribunals while pending in this House the most conflicting decisions might be arrived at. A jury might determine one way, and mulct a returning officer for doing one thing, while a Committee of this House might commit him to prison for not doing the very same thing. The mayor of Sligo might be a material witness for the sitting Member, and how could he come before a Committee of that House if, in the meantime, a jury sitting in the very county where this election had taken place, and where the excitement and party bitterness engendered by it still, perhaps, prevailed, branded him with the stigma of a conviction? He contended that until this petition was disposed of the proceedings taken before other tribunals were a direct interference with the privileges of that House, and an attempt to prejudge and influence the case. He should therefore move that the proper officer of the Queen's Bench in Ireland return to the House a copy of all the proceedings in the actions mentioned in the petition, and that the further consideration be postponed until Monday next, when he should propose the appointment of a Committee on the subject.

Motion made, and Question proposed, "That the proper Officer of the Court of Queen's Bench in Ireland do forthwith return to this House, Copies of the Summons and Plaint, and other proceedings in the Action that now is or was lately depending in that Court, in which Charles Sedley is plaintiff and John M'Gown, mayor of the town of Sligo, is defendant; and also Copies of the same in the Action in which James Ferguson is plaintiff and the same John M'Gowan is defendant."

SIR GEORGE GREY said, he thought this a very proper subject for consideration by the House, but it ought to be very cautiously and solemnly considered, so that they might not commit themselves to the assertion of exclusive jurisdiction and privileges without full knowledge of all the circumstances. He was far from saying that the Resolutions of January 26, 1703, did not still embody the deliberate opinion of the House, but it should be remembered that since then several Acts of Parliament had been passed regulating the proceedings upon controverted elections, and he was not prepared to say that the case brought under notice by the hon. and learned Gentleman might not fall within the exceptions referred to in these Resolutions, which merely affirmed the general right of the House, subject to any exceptions which might be created by special Acts of Parliament. It would be premature to assume that these actions involved a breach of privilege before a preliminary inquiry had been instituted. He should therefore move, by way of Amendment, that Mr. Somers' two petitions should be referred to a Committee, who should inquire into the facts of the case and report to the House, after looking into precedents and examining the state of the law on the subject, whether, in their opinion, the facts as ascertained by them involved any breach of privilege. At the same time, he did not propose that they should delegate to any Committee the decision of the question whether a breach of privilege had really been committed.

Amendment proposed, to leave out from the words "That the" to the end of the Question, in order to add the words "Petition of John Patrick Somers, esquire, presented upon the 15th and 16th days of this instant July, be referred to a Select Committee to inquire into the matters stated therein, and to report their opinion, how far there are any circumstances in the case affecting the privileges of this House."

MR. HILDYARD said, it was a most inconvenient course to encourage these applications, and he thought it desirable to deal with them at once. He entertained objections to referring a question of privilege to a Committee, as it was a matter with which the House itself ought to deal. He contended also that the Resolutions of the House in "Ashby and White" did not apply in this case, and that, even assuming them to be in accordance with the law—an opinion to which he by no means subscribed—the hon. and learned Gentleman was incorrect in stating that that House had never abandoned the principle of these Resolutions. Lord Holt laid down that every one who possessed a right of necessity had a remedy, and that therefore a person obstructing an elector in giving his vote, whether maliciously or not, was liable to an action for damages. At the same time the Resolutions were passed, there were as many kinds of franchises as there were boroughs, and the House of Commons saw that if every one had the right of action as against the returning officer, it would make the courts of law the arbiters of the return of Members of Parliament. Since then, however, the whole reason for these Resolutions had ceased, for the right was exercised under the statute law of the land, and the House had recently delegated to the Court of Common Pleas the right of determining who was entitled to vote. Moreover, for nearly a century the House of Commons had abandoned the principle of the Resolutions come to in 1703—at all events to this extent, that it would not interfere to prevent these actions being brought wherever malice on the part of the returning officer was alleged. In the case of the "Mayor of Hastings" the plaintiff obtained a verdict for £200, the defendant's malice being a part of his case. The case came on for discussion on a writ of error in Easter Term, 1786; but the Judges would not hear any objections taken to the action, declaring that the case of "Ashby and White" was conclusive on the subject. The House of Commons acquiesced in that decision, and took no steps to assert its privileges, nor, though such actions had been more than once brought since that time, had the House interfered. In the present instance, malice was of the essence of the action brought; the returning officer was declared to have acted unfairly; and there was thus no analogy between the case and that of "Ashby and White." Then, again, this very right was established by statute. The 76th section of the English Reform Act laid down that if returning officers wilfully contravened its provisions, they should be liable to an action and a penalty of £500, there being a proviso that the remedy thus given against the returning officer should not supersede any remedy or action against him according to the law heretofore in force. Here, then, was a distinct recognition of the right of action against a returning officer, and the Irish Reform Bill contained a similar provision. There was also a similarly distinct recognition of the right to institute a criminal proceeding, it being enacted that every returning officer who should by due course of law be convicted of having acted corruptly or partially in the execution of his duty should be adjudged guilty of a high misdemeanour, and imprisoned for a period not exceeding three years. This was under the 1 *Geo.* IV., c. 11, s. 25.

Mr. J. D. FITZGERALD said, he believed that in the present instance the indictment for a conspiracy against the Mayor of Sligo was a proceeding at common law.

Mr. HILDYARD replied that the Legislature at all events recognized the right of bringing these actions. There was, then, no pretence for the assertion that the privileges of the House were in jeopardy; and as to the statement that these proceedings were taken while a petition was pending, there was no limitation in the Act as to the time of instituting such actions.

Mr. HENLEY said, he thought the speech of the hon. and learned Gentleman had only confirmed him in the impression that the course proposed by the right hon. Baronet (Sir G. Grey) was the best course to be pursued in this case. He, therefore, should give his assent to that course, always on the understanding that the House, in referring the question to the Committee, was not relinquishing its right in the matter.

Mr. M'MAHON said, he hoped the House would agree with the suggestion of the hon. and learned Member for Whitehaven and decide the matter at once. All the Committee could do would be to ascertain the fact of actions having been brought, which was sufficiently known to the House. Unless malice was alleged and proved as the ground-work of the action, the verdict against the returning officer might be set aside in the courts of law. Why then should the House interfere? The proceedings at law would not at all affect the decision of the Election Committee; for the indictment against the mayor could not be tried till the next spring assizes. In 1847, an action was brought against the mayor of Abingdon for refusing a vote ("*Price* v. *Fletcher*," 3 and 4 C. P. Rep.); the most eminent counsel were engaged; the case went from one court to another; but it was never once suggested that such an action was stopped by the Resolutions of that House in "*Ashby* v. *White*." The so-called privilege of the House was one which every right-thinking man would be glad to get rid of, instead of raking up a string of Resolutions of 1703 to support it. The public would never tolerate the re-enforcement of those Resolutions, whereby parties might be sheltered from the due punishment of their crimes. Had the defendant in this case chosen to do so, he might have applied for a postponement of the action, on the ground that the matter was about to be inquired into by a Committee of that House. Most likely he had wished to take the advantage of a verdict in his favour, if he got one.

Mr. KNATCHBULL-HUGESSEN said, that the question decided in the action, and the one to be decided by the Committee, were essentially different. On that and other grounds he thought it desirable not to proceed further in the House, but to refer the matter to a Committee.

Mr. BUTT said, he should offer no objection to the reference, but thought it most desirable that the proceedings of the proposed Select Committee should not clash with those of the Sligo Election Committee, but ought to be concluded before the latter sat. He acquiesced entirely in the suggestion of the right hon. Baronet the Secretary of State for the Home Department. He might remind the House, however, that if a Committee were appointed, they would still require copies of the proceedings in the Irish Courts. He also would beg to ask the hon. and learned Attorney General for Ireland whether the statement was true that the Crown would proceed by indictment against those concerned in the election for the borough of Sligo?

Mr. J. D. FITZGERALD observed, that he had no official knowledge of the matter to which the hon. and learned Gentleman alluded. All his information was derived from what appeared in the Irish correspondence of the papers of that morning. In the papers which had been laid before him regarding the Sligo election he directed that there should be no prosecution by the Crown pending the election petition, and had so directed the Crown Solicitor, except in breaches of the peace. He did not think the statement in the papers was correct that prosecutions were instituted by the Crown Solicitor; but, probably, indictments had been preferred by private parties. In reference to the general question, he thought the house was about to take the proper course in following the recommendation of his right hon. Friend (Sir G. Grey), and in abstaining altogether from discussing the merits of the case. As to the criminal prosecution, it raised some grave and important questions; as, for instance, first, whether, pending an election petition, such an indictment could be prosecuted, and whether persons who would be witnesses before the Committee could be the subject of that prosecution. That was a question for the grave and serious consideration of the House. He hoped his hon. and learned Friend the Member for Youghal would agree at once to the course recommended by his right hon. Friend the Member for Morpeth.

SIR WILLIAM HEATHCOTE remarked that he hoped the Amendment of Sir G. Grey would be acceded to, and that the discussion might for the present be allowed to drop.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived;* Words *added.*

Main Question, as amended, put, and *agreed to.*

Ordered, That the Petition of John Patrick Somers, esquire, presented upon the 15th and 16th days of this instant July, be referred to a Select Committee to inquire into the matters stated therein, and to report their opinion, how far there are any circumstances in the case affecting the privileges of this House.

LUNATICS (SCOTLAND) BILL.

COMMITTEE.

Order for Committee read; House in Committee.

Clauses 1 to 3 agreed to.

Clause 4,

MR. BAGWELL said, he wished to call attention to the abominations which the evidence showed existed in the Scotch private lunatic asylums—a state of things disgraceful to a nation of Christians. In one asylum a poor insane female was found lying in a dark cell, perfectly naked.

MR. CUMMING BRUCE remarked, that he entirely agreed with the hon. Gentleman in his observations upon the private mad houses in Scotland, which were utterly disgraceful to the country, but not to the Board of Supervision, which had pointed out the evils which ought to be remedied, and this, too, upon more than one occasion. Private lunatic asylums ought to be subjected to a very vigilant and sharp supervision, which would well and faithfully discharge its duty. He did not place entire credence in the Reports of the Lunacy Commissioners, and thought it was quite necessary in this case to bear in mind the maxim "*audi alteram partem.*"

MR. BAGWELL explained.

MR. BAILLIE said, he should be glad to see a clause introduced, rendering illegal the confinement of pauper lunatics in private asylums.

MR. MACKIE said, he would enter his protest against the creation of a new Board, and the new and expensive machinery contemplated by this Bill.

SIR WILLIAM DUNBAR observed, that he also thought the constitution of a new board unnecessary, and uncalled for. He would assert, that though there were instances where lunatics had been treated with peculiar cruelty, yet that was the fault of the Legislature, and the Scotch people were, upon the whole, not by any means to blame for the isolated cases which had taken place. No country had subscribed proportionately more liberally than Scotland for the care and good treatment of lunatics, and the existing system in that country was sufficient to ensure all that was required.

SIR JOHN OGILVY said, a strong feeling existed in Scotland that the Board of Supervision furnished an efficient machinery capable of supplying all the defects of the present system without the creation of any new Board.

MR. HOPE JOHNSTONE remarked, that he also had representations made to him from every quarter in opposition to the appointment of a new Board.

MR. DRUMMOND said, that the question was not so much what would be the most expensive as what would be the most efficient machinery. There were plenty of representatives of the ratepayers in that House, but no representatives of the lunatics of Scotland. They seemed to have no friends there, while really they were the persons who stood most in need of being represented.

COLONEL SYKES observed, that as regarded the female found in a lunatic asylum naked, he could wish that it should be ascertained whether or not this female had not shortly previously torn off her clothes, as was often the case?

Clause *agreed to.*

Clauses 5 to 16 were then *agreed to.*

House resumed. Committee report progress to sit again *this day.*

FISHERY BOARD (SCOTLAND).

QUESTION.

LORD JOHN HAY said, he would beg to ask the First Lord of the Treasury what course Her Majesty's Government intended to pursue with regard to the Report of the Commissioners on the Fishery Board (Scotland)?

VISCOUNT PALMERSTON was understood to say that he would on Monday next state what course was intended to be pursued.

TROOPS FOR INDIA—QUESTION.

ADMIRAL DUNCOMBE said, he wished to ask the First Lord of the Admiralty if the ships are taken up for the conveyance to India of the additional troops required for service there; and, if so, what amount of tonnage of both sailing and steaming?

MR. VERNON SMITH said, that advertisements had been issued for tenders for ships to convey the additional troops. As soon as the tenders should be accepted, he would present a return of the amount of tonnage.

ADMIRAL DUNCOMBE said, he would then give notice, that as the ships were not yet taken up, he should to-morrow call the attention of the First Lord of the Admiralty to the best means of transporting the troops.

SIR CHARLES NAPIER said, he would now beg to ask the First Lord of the Admiralty if, in the event of the Government deciding to send troops to India by steam, he has one screw ship in either Sheerness, Portsmouth, or Plymouth in commission, fit to carry troops, and ready for immediate service.

SIR CHARLES WOOD: Certainly not. We have not a single screw ship of the line in commission fit to carry troops to India. The ships in commission at home are calculated for home service.

SUPERANNUATION ACT AMENDMENT BILL—QUESTION.

LORD NAAS said, he would beg to ask the First Lord of the Treasury whether the Government will give a day for the discussion on the Superannuation Act Amendment, and whether the noble Lord will allow the Second Reading to be taken *pro formâ* to-night, and the discussion to take place in Committee at a morning sitting. He believed that such an arrangement would be productive of considerable convenience.

VISCOUNT PALMERSTON said, that it was impossible to assent to the proposition to read a second time, as a matter of form, a Bill, the principle of which must be discussed, more especially as he was not prepared to agree to the Bill of the noble Lord. He might, perhaps, be able to give the noble Lord a morning sitting, when the more urgent business at present before the House should be disposed of, but he could not, in the existing state of business, consent to postpone any Government measure to make way for it.

LORD NAAS said, that under those circumstances no other course was open to him than to move the second reading of the Bill that night, and he gave notice that he should do so at whatever hour it might come on.

INDIA—AMNESTY—QUESTION.

MR. W. VANSITTART said, he would beg to inquire whether it is true, as reported in the Indian newspapers just received, that the Lieutenant Governor of the North Western Provinces of India has issued a proclamation, in which he offers an amnesty to all the mutineers who will lay down their arms; and that on the Governor General of India expressing his severe displeasure at that proclamation, and issuing an order for its immediate withdrawal, the Lieutenant Governor tendered his resignation.

MR. VERNON SMITH said, he believed it was substantially correct that the Lieutenant Governor of the North Western Provinces did issue such a proclamation. The Governor General of India, with that promptitude and vigour of mind which distinguished him, immediately disapproved it, and issued an order, withdrawing it, except for the interval between the issue of the order and the proclamation, which exception was necessary for the maintenance of good faith. He had not heard that the Lieutenant Governor had resigned in consequence, and he saw no grounds for his resignation. The Lieutenant Governor's conduct had generally, except in this single instance, been marked by judgment and decision, and he trusted that the report of his resignation was not true.

EDUCATION—NOTICE.

SIR JOHN PAKINGTON said, he wished to give notice of the course he intended to pursue with regard to national education. At that period of the Session he did not think, after the discussion on the subject which had already taken place, that he should promote the object he had in view by moving such a Resolution as that of which he had given notice, and therefore it was his intention, whenever the noble Lord at the head of the Government placed a day at his disposal, to move an Address to the Crown for a Commission of Inquiry into the state of national education.

GALWAY TOWN WRIT.

COLONEL FRENCH moved, that Mr. Speaker do issue his warrant to the clerk of the Crown in Ireland to make out a new writ for the electing of a burgess to serve in this present Parliament for the town of Galway, in the room of Anthony O'Flaherty, Esq., whose election has been determined to be void.

LORD LOVAINE said, that in the absence of the Chairman of the Galway Election Committee, he should move that the issue of the writ be suspended till Thursday next, in order that the evidence might be in the hands of hon. Members, who would then be able to judge whether or not it would be advisable that a further suspension of the writ should take place.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words, "the Writ for the Town of Galway be suspended until Thursday next," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

COLONEL FRENCH said, he concluded that if the Committee had thought it desirable that the writ should be suspended, they would have reported to that effect. Galway contained a population of 30,000, and a constituency of 1,300, and the Committee had reported that only seventy voters had been bribed by small sums. Under these circumstances the borough ought not to be left without representation, for the suspension of the writ would be contrary to the constitution of the country, according to which the representation of the country ought to be maintained in as complete a state as possible.

SIR GEORGE GREY observed, that he thought this was just one of the cases alluded to the other night, when a Resolution was carried requiring the suspension of the issue of writs in cases where the seats were vacated for bribery. It was then stated, that this suspension would give an opportunity to Members of the Committee to state whether or not it would be desirable that the House should be in possession of the evidence before the issue of the writ. He thought it desirable that that course should be followed in the present instance, especially as he understood that the noble Lord spoke for the Committee in the absence of the Chairman.

LORD LOVAINE believed that hon. Members would find, when the evidence was printed, that there was sufficient reason for the short delay proposed.

COLONEL FRENCH said, he would not in that case persist in his Motion.

LORD JOHN RUSSELL remarked, that he thought that before the Motion was withdrawn they ought to understand that the writ would not be moved before Thursday.

LORD LOVAINE, at the suggestion of Sir G. GREY, then moved that the issuing of the writ be suspended till Thursday next.

MR. WALPOLE suggested that the better way would be for the noble Lord to give notice of such a Motion.

Amendment and Motion, by leave, *withdrawn.*

Ordered, That the Writ for the Town of Galway be suspended until Thursday next.

MAYO WRIT.

MR. SCHOLEFIELD said, he rose to move, "That Mr. Speaker do not issue his Warrant to the Clerk of the Crown in Ireland to make out a new Writ for the electing of a Knight of the Shire to serve in this present Parliament for the County of Mayo, before Thursday next." As there were stronger reasons for the suspension of the writ in the case of Mayo than in the case of Galway, he need not further occupy the time of the House. He was not, however, without some fear that the evidence given before the Election Committee would not be delivered in sufficient time before Thursday for full consideration by the hon. Members, but in that case he felt confident he should be supported in asking for a further suspension of the Writ.

Colonel FRENCH said, that after the decision of the House in the last case, it was not his intention to oppose the Motion; but there were facts connected with the case to which he wished shortly to call the attention of the House in addition to some facts which it was already in possession of. The Election Committee, towards the end of the proceedings, thought it necessary to acquaint the House with a letter, stating that certain persons had made an attack on witnesses examined before the Committee. The Committee stated that a letter, duly verified, had been placed before them, representing that a witness named Gannon, who had given evidence before the Committee, had been seriously injured by a mob led on by John Sheridan; and he (Colonel French) complained that without proper inquiry such an imputation was thus thrown upon a most respectable gentleman, for the allegation respecting Mr. Sheridan was wholly untrue. On seeing the statement, Mr. Sheridan immediately came to London, and presented himself before the Committee, who told him they had nothing to say to him, and referred him to the House. Mr. Sheridan then came to him (Colonel French), and produced to him a letter from Mr. Kearney, a magistrate of the district, addressed to the Chairman of the Committee; and, as the hon. Member for Birmingham (Mr. Scholefield) had not referred to that communication, he (Colonel French) might perhaps be permitted to read it to the House. The letter was as follows:—

"Ballinvilla, Castlebar, Mayo,
"July 11, 1857.

"Sir,—As the magistrate who investigated the case of Gannon (a witness examined before your Committee) against several people for riot, and against one in particular for stabbing him in the eye with a rod of iron, I take the liberty of addressing you. I have held to bail the parties charged with the riot, and I have committed to prison the boy charged with the latter offence.

"Having heard yesterday that Mr. John Martin Sheridan was reported as the instigator of this outrage, I considered it my duty to call at the county infirmary and see Gannon upon the subject; and I beg to give you, from memory, the conversation that took place between us.

"I said to Gannon I heard there were some parties (not included in his sworn information) who had taken part in the attack upon him on the evening of the 7th instant. He answered that there was a boy named Murphy who struck him with a shovel on the right arm, and whose name he did not recollect when swearing his information.

"I then asked him if there was any person in a higher rank of life whom he could accuse of instigating the mob, or pointing him out to them.

"He answered not (no), and added that he was very sorry to hear a report that morning that he had accused Mr. Sheridan; that the report was a false one; that Mr. Sheridan was the most active in bringing the offenders to justice; had called to see him in the infirmary after the occurrence; and ended by saying that Mr. Sheridan was his best friend. I have in addition made inquiries among the constabulary and others, and I find that a more unfounded and audacious charge was never made than the present accusation against Mr. Sheridan; and, in justice to that gentleman, I have the honour of addressing you upon the present occasion."

He (Colonel French) believed the Attorney General for Ireland had investigated the facts, and would confirm his statement that there was not the slightest ground for the charge against Mr. Sheridan.

Mr. J. D. FITZGERALD said, he had read the informations in the case to which the hon. and gallant Gentleman had alluded, and could state that no person named Sheridan was mentioned in them, or was charged with being a participator in the offence. He might observe, however, that a man named Sheelan was charged with being concerned in the assault, and that circumstance might, perhaps, have occasioned the mistake.

Colonel NORTH said, that, as a Member of the Committee, he wished to state, with reference to the statement of the hon. Member (Colonel French), that they had not made sufficient inquiry before bringing this subject under the notice of the House, that they had done all they could do to satisfy themselves of the truth of the matter. A letter was produced before them, and the gentleman to whom it was addressed proved its receipt upon oath. The Committee had just learned that one of the witnesses who had been examined before them had been insulted the day before in the lobby outside the Committee-room by the Rev. Peter Conway, and they were considering whether it was not their duty to bring that circumstance under the notice of the House when they were informed that a witness named Gannon, who had given evidence, and who had returned to Ireland, had been assaulted and seriously injured. As he had stated to the Committee his apprehension that as soon as he returned home he should be insulted on account of his evidence, they felt that not a moment should be lost in reporting the fact to the House, in order that means might be taken for insuring to the other witnesses the protection to which they were entitled.

Mr. BOWYER said, he had been requested to make a statement to the House, on the part of one of the persons inculpated by the Report of the Committee, who was charged with conduct derogatory to his character as a clergyman. He referred to the Rev. Father Conway, who requested him to state to the House that it was utterly untrue that he ever used any sort of curses, or any such expressions against those who voted for Colonel Higgins, from the altar, or anywhere else.

Lord JOHN RUSSELL said, he rose to order, and to submit to Mr. Speaker whether, as they were not now discussing the Report of the Committee, the hon. and learned Gentleman was entitled to enter into statements which appeared to be in contradiction to that Report. If the hon. and learned Gentleman wished to afford any explanation on the part of Mr. Conway, or any other person, he apprehended the proper time for making such statements would be when the Report of the Committee came regularly under discussion.

Mr. SPEAKER said, it certainly would not be regular for hon. Members to refer to a Report which was not at present before the House, and the contents of which could not therefore be accurately known.

Mr. MAGUIRE wished to say, that on a future occasion he would be prepared to show that the Report of the Committee contradicted itself; and he would endeavour to prove that there were what he considered marked—and what some persons might call gross—omissions on the part of the Committee.

Mr. SPOONER rose to order.

Mr. MAGUIRE resumed his seat.

Motion *agreed to.*

Ordered, That Mr. Speaker do not issue his Warrant to the Clerk of the Crown in Ireland, to make out a new Writ for the electing of a Knight of the Shire to serve in this present Parliament for the County of Mayo, before Thursday next.

Order for going into Committee of Supply, read.

COLONEL MUNDY'S PENSION.

QUESTION.

Sir JOHN TRELAWNY said, he wished to ask the Under Secretary for War a question with regard to the retiring allowance of Colonel G. C. Mundy, late of the Department of the Minister for War.

Sir JOHN RAMSDEN said, that Colonel Mundy had been Secretary to the War Minister; but his office was abolished when a consolidation of the Departments of the Army was effected. It was considered, however, that as Colonel Mundy had held a permanent office under the Crown he was entitled to receive compensation; and a pension of £1,000 a year was awarded to him, on condition that if he received any appointment under the Crown, whether military or civil, and his emoluments from such office amounted to £1,000 a year or upwards, his pension should remain in abeyance; and also that if the emoluments amounted to less than £1,000, he should only receive so much of his pension as would make the whole amount which he drew from the public purse £1,000 a year. Colonel Mundy had recently been appointed Governor of Jersey, and, as the emoluments of that office amounted to more than £1,000 a year, of course he did not receive any portion of his pension.

Sir JOHN TRELAWNY said, he wished to know how long Colonel Mundy had served in the War Office?

Sir JOHN RAMSDEN: Two years, I believe.

THE MILITIA—QUESTION.

Mr. DISRAELI: Sir, an Order in Council appeared in the *Gazette* on Tuesday last suspending the calling out of the Militia during the present year. That Order is dated the 25th of June,—a date, as the House will recollect, previous to the arrival of the disastrous news from India. I wish to inquire of the noble Lord at the head of the Government whether the publication of that Order in Council, dated the 25th of June, but which appeared in the *Gazette* on the 14th of July, was a matter of inadvertence, or whether it was sanctioned by Her Majesty's Government?

Viscount PALMERSTON: Sir, that order was issued by no means inadvertently, but upon full consideration, and upon reasons which I think perfectly good. The greater part of the militia were assembled during the last two years of the war, and it was therefore deemed unnecessary to call them out for training this year with any view of maintaining the discipline of the regiments. It was thought they had received sufficient training to admit of their not being called out during the present year. Another very strong reason for not adopting that course arose from financial considerations. The House is aware that, "cutting our coat according to our cloth," Her Majesty's Government were compelled to make very great reductions in the effective service of the country for the purpose of bringing the expenditure of the year within its income. Before the unfortunate accounts arrived from India, it was therefore determined not to call out the militia during the present year. I presume the right hon. Gentleman means to ask whether the news from India ought not to have caused a change in our intention. I reply that there seems to be no reason why that intelligence should cause any change. If anything had happened in Europe which had threatened to involve this country in a war with any European Power, and which rendered it probable that we should have occasion to provide for the defence of the country, it might undoubtedly have been necessary to call out the militia, as a great number of our regular forces must be sent to a distant station; but as, fortunately, Europe appeared to be perfectly tranquil, and as there was no apprehension in any quarter that we were likely to be involved in any European dispute, unless the Government saw reason to change their minds from considerations arising out of the state of things in India, they did not think it desirable to call out the militia. The chief purpose to be answered by calling out the militia at present would be with the view to facilitate their volunteering into the line, but that would have been a most expensive method of raising any given number of troops. It would have been a wasteful expenditure of the public money, and would not have at all assisted the objects we have in view.

THE ASSIZE CIRCUITS—QUESTION.

Mr. WARREN said, he wished to ask the Secretary of State for the Home Department when the Commission for Inquiry into the arrangements for taking the assizes in England and Wales are likely to make their Report, and whether any proposed redistribution of the circuits will be effected by Act of Parliament. The House was aware that a Commission had lately been issued to inquire into the state of business in the Superior Courts of common law, and especially the distribution of the circuits. He had just returned from attending the Northern Circuit at York, and was able to speak from his own knowledge of the strong feeling of curiosity which existed among the members of the bar on that circuit, and, indeed, he might say of all persons interested in the welfare of the county of York, in reference to the proposed redistribution of the circuits. He knew, also, that a similar feeling prevailed in Lancashire. He had been told, for instance, that York was to be taken from the Northern Circuit and united to the Midland, or rather, he should say, that the Midland Circuit was to be united to York. He also understood that various other alterations were in contemplation, such as that Manchester was to have an assize of its own, and that Liverpool was to be transferred from the northern to some Welsh circuit. Seeing that at present the grand juries and the members of the bar belonging to the different circuits were collected together in the various assize towns, he hoped the Home Secretary would be able to give the House some authentic information as to the conclusions at which the Commission had arrived.

Sir GEORGE GREY said, that not being himself a Member of the Commission to which his hon. and learned Friend had referred, he had communicated with one of the Members of it, and had been informed by him that the Commissioners were now considering their Report, and that they hoped to be able to present that Report at a very early period. He had no doubt that when that Report was presented he should receive Her Majesty's commands to lay it before Parliament, and he thought under those circumstances he was not at present justified in saying more on the subject.

Sir JOHN PAKINGTON said, as he was a Member of the Commission in question, he might be permitted to state that his hon. and learned Friend (Mr. Warren) had evidently received very erroneous information in reference to what was likely to be the nature of the Report of the Commission. The Commission had agreed to the substance of the Report, but it was not yet drawn up, and he was sure the House would not think it necessary or desirable on his part to enter into any details on the subject.

EAST INDIAN RAILWAYS.

POSTPONEMENT OF RESOLUTION.

Mr. WATKIN, who had given notice of a Resolution on the subject of railways in India, said he did not wish to detain the House from the important question before them—although he was prepared to show that if proper energy had been displayed railways might have been long since completed to the scenes of the recent mutiny; and if they had been it would have been crushed at once. With the permission of the House he would postpone his Resolution.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

THE PERSIAN WAR.

RESOLUTION.

Mr. ROEBUCK: I wish, Sir, the Resolution I am now about to move had fallen into more able hands than mine; for it appears to me that never in the whole history of the House of Commons was a more important subject submitted to its consideration. Sir, we are now about to consider the conduct of an Administration with regard to the House of Commons, and I am prepared to say, Sir, that this conduct has been such that, if allowed to pass without comment, it will go far to jeopardize the authority of this House and to diminish its influence with the country, on the very matters which are peculiarly within its province. It may be said that the prerogative of the Crown is to declare war and to make peace. With that proposition, Sir, I entirely coincide; but I say that this House has a privilege with regard to that prerogative which it ought not to abandon. The Crown may declare war when it pleases, and if the Crown can carry on that war without application to the House of Commons it is perfectly justified in doing so; but the moment it comes to this House to ask us for money to enable it to maintain that war, then the whole war and everything connected with it become subjects of consideration for the House of Commons. It appears to me that this is peculiarly the mode by which the House of Commons has arrived at its present position, and if England is now distinguishable from the nations around her by one thing more than another it is by this very power of the House of Commons. To that power we owe our liberty, to that liberty we owe our laws, and to those laws we owe our happiness. If the House of Commons should ever be depreciated in the eyes of the country—if its power should ever be diminished, then, indeed, the power of the country will be diminished also; and the charge I bring against the noble Lord at the head of the Government is this—that he, being a so-called Liberal, has done that with regard to the House of Commons which no Minister has ever yet dared to do; that the two Pitts, in the plenitude of their power, did not dare to do what the noble Lord has done. And what is that? I will shortly describe what I conceive to have been the conduct of the noble Lord. He has laid upon the table of this House a book containing papers regarding our relations with Persia. Those papers begin as early as the year 1851, and the very first of those papers refers to the conduct of Persia with reference to Herat. In proceeding in the investigation of those papers we soon learn that the British Government supposed that the Persian Government had designs upon Herat which were inimical to English interests. From 1851 to 1857 negotiations were carried on with the Persian Government, but not until December, 1856, did the English Goverment think it requisite to take such steps with regard to the Government of Persia as should lead to war. In December, 1856, this House was not sitting, but in that month the Governor-General of India issued a proclamation equivalent to a declaration of war. No means were taken to call this House together, and things went on. War was declared against Persia, and then began a system which has led, as I believe, to the disasters we are now suffering in India. Our forces were taken from India and directed against Persia. I am told—I do not know how correctly—that the Government was warned on that occasion that denuding India of the forces of England would endanger the very existence of our Indian Empire. I must call to the recollection of the House and of the noble Lord the prophecies—if I may so call them—of the late Sir Charles Napier many years ago upon this matter. He pointed out to the Government of India, and through the Government of India to the Government of England, that there were causes which should alarm all far-seeing Ministers with regard to the army of India, and he took such steps as he thought precautionary to prevent mischief arising on that occasion. Those steps incurred the displeasure of the then Governor General, Lord Dalhousie. Sir

Charles Napier resigned, but his warning remained. Lord Dalhousie returned home, and Lord Canning went to India as his successor. I am told—I do not know how correctly—that the demands made on him for forces to be directed towards Persia raised in Lord Canning's mind such alarm that he communicated that alarm to the Government of this country; and not only did he do so, but I am told that the Commander in Chief in India did the same, so that the Government of this country was fully aware of the danger likely to arise if India were denuded of troops. Now, I appeal to this House, if there be a shadow of truth in that statement, whether this was not a very important matter. This House has certainly been called together on less important occasions; for let me say for this House, that the empire of India is in fact the empire of England; that we should not allow our empire in India to slip from our grasp without making every effort which a people can make to preserve it, because, if conquered in Asia, we are reduced to nothing in Europe. This, then, was a very vital question to the empire of England, and if the Commons of Parliament were ever to be called together in an extraordinary manner, that was an occasion when they ought to have been so called together. But the noble Lord at the head of the Government, having that confidence in himself which a long series of successes in life has enabled him to obtain, disregarded altogether the existence of Parliament, and determined, without consulting us, to wage war upon his own account. He therefore directed that troops should be sent from India to Persia. They were sent. War was undertaken. War was prosecuted. A battle was fought, and the Persians were so reduced that they thought of peace. Peace was concluded in March, 1857. In February, 1857, this House met, but no communication was made to this House. The noble Lord, still holding on in that course which has distinguished his career—fully confident in himself, and prepared to conduct this matter without the House of Commons—determined to and did conduct it to a peace without the House of Commons. And the first real intimation that we have had of these transactions is the Bill which is this night to be presented. What is that Bill? We learn for the first time that it amounts in the whole to £1,800,000. The Chancellor of the Exchequer, with that dexterity which belongs to all Chancellors of the Exchequer, began by assuming it at £500,000, but the last paper laid on the table of the House shows that our share of the Bill will be at least £900,000. But it does not stop there; £900,000 is only an instalment, and I believe it will be found that the expense of the war with Persia will amount to at least two millions of money. Now, I cannot help thinking that if ever the House of Commons had a right to complain it is upon this occasion. A war has been undertaken. A war has been prosecuted. Engagements have actually been taking place between our troops and those of Persia. Peace has been concluded, and all without consulting this House. And this very night the Chancellor of the Exchequer gets up and asks you, Sir, to leave the chair, in order that he may present the Bill to the House of Commons. I ask the House of Commons, did anything of that sort ever take place before? I recollect being in the House upon a solemn occasion. The war declared against Russia was declared in this House, and I shall not forget my own emotions, nor the appearance of the House on that occasion. When the person who officially made that declaration made it at the bar, the countenance of every hon. Member wore a solemn expression. They felt that England was entering into a contest which involved great interests, which might lead to disastrous consequences, and they felt that it was a solemn, and, if I may use the phrase, an awful occasion. But the war with Russia was not a more awful or more solemn event than the war with Persia. Persia, indeed, was an inferior power to Russia, but the consequences we now see. The mutiny at Delhi may be traced to denuding our Indian empire of forces on that occasion, and when Her Majesty's Government declared war and determined on that expedition to Persia, they undertook the risk of losing our Indian empire, and undermining for ever the power of England in Europe. I say that these two occasions are equally important, and if the war with Russia were important, and should be communicated to this House so was the war with Persia, considering events which followed it, and of which I say the Government had notice. I have no doubt the noble Lord, if he deigns to answer me, will say that all this is past, that the war with Persia has come to an end, that peace has been made, and that our relations with that country are upon the best possible footing. I am not going to enter into the question of our relations with Persia. That is not my cause of complaint. My complaint is, that the House of Commons, upon this occasion, has been entirely passed over; that the House of Commons, exercising the privilege of providing for the expenses of an expedition, has an undoubted right to inquire into the principles upon which the expedition is undertaken and the expenses are incurred. I say that a more contemptuous course than this was never pursued towards the House of Commons. We are now called upon in the coolest manner possible to supply nearly a million of money. The House is called upon, on the *ipse dixit* of the noble Lord, to furnish sums, and no explanation is offered of the expenses incurred. I say, if the House of Commons is prepared to undergo this insult—for insult it is—we had better shut that door and go back to our constituents. I know the power of the noble Lord. I know that he has—God knows how!—obtained in the country a wonderful dominion. Why the people concede to him that dominion I cannot for the life of me imagine, but I fully acknowledge that he is allowed to do things which others dare not do. Fancying I have a duty to perform, I will, however, raise my voice, feeble as that voice is, and call upon my countrymen to point their finger at the conduct of the noble Lord. I point my finger at the conduct of the noble Lord, and I say no conduct since the House of Commons has been a House of Commons was ever so insulting as that which the noble Lord has pursued on this occasion. When Charles I. came down to the House in order to seize five of its Members, he certainly did commit a breach of its privileges. Since that time many changes have been gone through in our constitution, but the great result of all the revolutions connected with this House has been, that no course of conduct can be pursued by the Government over which we have not an immediate control through the finances of the country. I am not at all surprised at the conduct of the noble Lord. It is the result of the great confidence which he has in himself, but I think late events ought to have served as a warning to him. I regard the state of India at the present moment as one of the most striking evidences of the mistakes of the noble Lord. Events are occurring there which involve the interests of England. If we lose our empire in India—and we may lose it—[*Cries of* "No, no!"]—I understand that exclamation, it is a thoroughly English "No!" No man can join in the feeling which dictates it more heartily than I do. You believe yourselves able to meet even this great emergency, but you will not deny that it is a great emergency. I have that confidence in my countrymen—in their indomitable spirit—that I have no doubt, in spite of the error—I use a mild word—of the noble Lord, they will overcome the present difficulty. Nevertheless, I say the noble Lord has made a great mistake. I may even use a stronger word. India is now the opprobrium of the noble Lord's administration. He has reduced India to its present position, and we must not forget that if we lose India we lose the world. My charge against the noble Lord, therefore, is not a small one. First, I say that he has insulted the House of Commons—that he has pursued the course of utterly passing it by—that he has declared war, undertaken an expedition, and made peace without asking your approval or consulting your wishes. He has acted as if you were not in existence. The House of Commons is, in the opinion of the noble Lord, an utter cipher. Such is the first charge I bring against the noble Lord. The next is, that he has chosen an occasion for thus treating the House of Commons the most dangerous to England that has occurred since the Declaration of Independence by America. By a want of care, by a want of foresight, by that sort of rashness that constant success engenders, he has denuded India of her defences, and thus led to all the dangerous consequences that have occurred. Far be it from me to take up the time of the House by unnecessary observations. I move the Resolution which I have placed upon the paper with a full knowledge of its importance, with a full knowledge, too, of the vituperation and sarcasm to which I may subject myself; but, having before my eyes my duty as a representative of the people, I say that upon this question of the Persian war the noble Lord has been an enemy of the House of Commons and of England. I shall therefore conclude by moving, as an Amendment—

"That the war with Persia was declared, prosecuted, and concluded without information of such transactions being communicated to Parliament;

while expensive armaments were equipped without the sanction of a vote of this House.

"That it is the opinion of this House that such conduct tends to weaken its just authority, and to dispense with its constitutional control over the finances of the country, and renders it requisite for this House to express its strong reprobation of such a course of proceeding."

MR. AYRTON seconded the Resolution.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words—

"The War with Persia was declared, prosecuted, and concluded without information of such transactions being communicated to Parliament; while expensive armaments were equipped without the sanction of a vote of this House," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE CHANCELLOR OF THE EXCHEQUER: Sir, the speech of the hon. and learned Gentleman has, with one remarkable exception, been confined strictly within the limits of the notice which he has placed upon the paper. His Motion refers simply to the mode in which the war with Persia has been conducted—to the course of conduct pursued by the Government, and not to the merits of the war itself. In the course of his speech, however, the hon. and learned Gentleman has introduced a question to which I shall presently advert, founded upon the alleged connection of the Persian war with the late disastrous transactions in India—a connection which would not have occurred to him if the Motion had not been so long postponed. I shall begin by stating, that having come to the House prepared to hear the policy and justice of the war questioned—prepared to defend the policy and justice of the war—prepared, if necessary, to state in detail the grounds upon which hostilities were undertaken against Persia, I do not think I should be justified now in going into that part of the question, inasmuch as the hon. and learned Gentleman not only has not questioned the policy of the war, but by his silence has appeared to approve it. [MR. ROEBUCK: No, no!] Well, Sir, all the papers relating to the Persian war have been for some time upon the table of the House, and full opportunity has been given to hon. Members to found a Motion upon them. It was not necessary to wait until a vote was proposed in Committee of Supply before calling upon the House for the expression of its opinion on the subject. Without, therefore, going at length into the policy of the war, I shall, with the permission of the House—as the hon. and learned Gentleman states that he did not by his silence admit the justice of the war—shortly state the grounds upon which it was undertaken. It is well known to those who have followed the transactions in Central Asia for some years past, that it has been recognized as a cardinal point in our Asiatic policy, that the town of Herat should not fall into the power of Persia. That question excited great interest at the time when the affairs of Central Asia occupied so large a share of the attention of the people of England; when events scarcely less disastrous than those which now occupy our attention were about to occur in Affghanistan. At that time it was recognized as a matter of national policy, about which all political parties were agreed, that it would not be safe with reference to our Indian Empire to allow Herat to fall into the hands of Persia. It is unnecessary for me to remind the House that Persia is a weak power—that it borders upon the great military monarchy of Russia, which overshadows all Northern and Central Asia—and that the territorial position of the two countries necessarily places Persia in a state of semi-dependence upon Russia. In fact, it is no disparagement of the weakened monarchy of Persia to say, that it is a vassal kingdom of Russia.

SIR JAMES GRAHAM: What! Persia a vassal of Russia! Do you really mean to assert that as a fact?

THE CHANCELLOR OF THE EXCHEQUER: Well, I shall not insist upon the word, but the power of Russia is so preponderating in central Asia that Persia is necessarily guided in its foreign relations by the influence of its mighty neighbour. We have lately been engaged in a great conflict with the Russian empire. Unhappily, that conflict led to a fearful struggle, but most happily that conflict has now been terminated, and it is far from my wish to say anything which might revive asperities that have passed away, or which might even seem to indicate an unreasonable jealousy of the influence and power of Russia. Still, it is necessary for us to bear in mind that, as far as regards Central Asia, England and Russia have not coincident but to a considerable extent rival interests, and that it is as much as ever important that we should maintain the cardinal point of our Asiatic policy—namely, the independence of the territory intervening between Persia and our Indian boundary. It was on that account that, acting upon a principle recognized in 1838, when the siege of Herat took place, acting upon the principle which led to the naval expedition that occupied the island of Karrack, on the coast of Persia—an expedition which may be regarded as the forerunner and type of the recent war—acting upon the principle subsequently recognized by Lord Malmesbury when he broke off diplomatic relations with the Persian Minister in this country, on account of the threatened occupation of Herat, and, acting upon the principle embodied in the engagements entered into between Colonel Shiel and the Persian Government, Her Majesty's Government, when they saw that the independence of Herat was threatened, called upon the Persian Government to give an explanation of that movement, and either to withdraw their troops or to incur the perils of war. Such was the main ground upon which the war with Persia was undertaken. Undoubtedly, there had been during the war with Russia certain differences of opinion between our Minister and the Persian Government, which may have produced feelings of bitterness between the two countries; but these differences, to which I need not now allude in detail, could not of themselves have given rise to hostilities, though they might at the time have led to a continued suspension of diplomatic intercourse. Those were the grounds upon which the war was commenced. Now, Sir, the hon. and learned Gentleman says that, without disputing the policy of the war, into which question he would not enter, the course which was pursued was unprecedented, that it was an insult to Parliament, and that no Government before had ever entered upon a war without first calling Parliament together. [Mr. ROEBUCK: No, no!] I understood the hon. and learned Gentleman to say that no previous Government had entered upon a war without first giving notice to Parliament, or, at least, not without giving such notice as soon as circumstances permitted. The hon. and learned Gentleman says we violated the majesty of Parliament by applying the public money for the conduct of a war without obtaining the consent of Parliament to such a course. Let us consider how far precedent and practice justify those statements. If we look back to the case which furnishes the closest comparison with the recent expedition—I refer to the occupation of Karrack and Bushire in 1838—we shall find that no such communication as the hon. and learned Gentleman desires was made to Parliament. I have looked carefully through the printed correspondence of that period, and I am scarcely able to find, even in the declaration of the Governor General, any distinct allusion to that transaction. Lord Auckland made a declaration respecting the war in Affghanistan, which was afterwards adverted to in the King's Speech to Parliament, but no special communication was made upon the subject, nor was Parliament assembled at any unusual period upon that account. The hon. and learned Gentleman does not impugn the right of the Crown in declaring war; indeed, I believe we are all agreed that there is no doubt as to the prerogative of the Crown in that respect. Supposing, then, that the course which the hon. and learned Gentleman censures the Government for not adopting had been adopted, what object would have been gained by a mere communication to Parliament of the fact of the expedition having been sent? Parliament was not called upon then to vote any money on that account. The cost of the expedition was, in the first instance, defrayed from the Indian treasury, and the only effect of following the hon. and learned Gentleman's suggestion would have been, that Her Majesty would have informed Parliament of the expedition a few months earlier; in fact, in December, instead of in February. Beyond that, nothing could practically have been done by the Government. The declaration of the Indian Government was, I believe, made public at the time, and therefore was known in this country. The hon. and learned Gentleman compares this war with the war against Russia, the announcement of which, he says—and most justly says—was received with awe by this House; but not only morally is there a vast difference between a war with a great empire like Russia, and one with an Oriental monarchy like Persia, but also constitutionally is there a difference. The funds for carrying on the war with Russia were to be supplied in the first instance by this House, whereas in the other case the cost in the first instance, and to a great extent ultimately also, came from the Indian treasury. I presume there is no doubt of the power of the Governor General of India to declare war without making any communication to Parliament. There is no doubt that Lord Wellesley's wars and numerous others were begun, continued, and ended in India without any communication to this House. In the case of the late war with Persia, there was a distinct mention of it in the speech of Her Majesty at the commencement of the last Session, and the fact of the conclusion of a treaty was announced through the same channel. I am therefore unable to see upon what constitutional grounds the hon. and learned Gentleman founds his censure. Practically, it was open to Parliament to have taken cognizance of those transactions at an earlier period. They were informed of the expedition by Her Majesty at the beginning of last Session, and it was competent at that time for the House to have addressed the Queen, praying her to communicate further information upon the subject; but no such Address was carried to the foot of the throne, nor was any Motion for such an Address made in this House. I am really at a loss, therefore, to understand how the hon. and learned Gentleman, looking at precedent on the constitutional bearing of the case, can maintain that any irregularity has been committed, or that the slightest disrespect to Parliament has been evinced. What is still more, I am convinced he cannot show that the least inconvenience has been caused, or any check that might have been imposed upon the Government has been prevented by the course that has been pursued, or that any opportunity for criticism or condemnation could have been offered beyond those opportunities which have existed since February. Having made these remarks upon so much of the hon. and learned Gentleman's speech as refers directly to the subject of his Motion, I will now pass to that portion of it in which he attempts to connect the late disasters in India with the Persian expedition. In the first place he said, as a matter of fact, that the withdrawal of regiments from India had been remonstrated against by the Indian Government, and that the Government of Her Majesty at home had been warned against that step as weakening the defence of India. I confess, Sir, I am totally ignorant to what the hon. and learned Gentleman alludes; whether he refers to any papers upon the table of this House or to something within his own cognizance. I do not know; he has quoted no authority for his statement, and I can only say that I am ignorant of any such warning, and do not believe that any communication of the kind was made by the Indian Government last autumn, when the expedition was ordered to be got ready, nor that any remonstrance was, in short, ever made. That being the case, is it a fact that there is any connection between the mutiny at Delhi and the withdrawal of regiments from the Bombay presidency? There is nothing better established in the accounts which have reached us than that the mutinous spirit has been confined to the Bengal army, and that whatever the causes—at present imperfectly explained—they appear to be peculiar to the army of Bengal and the north-western provinces. That bad spirit seems to spring from some sudden impulse affecting the feelings and sentiments of the native soldiery: but, whatever the causes may be, they do not appear to be common to the troops of the presidencies of Bombay and Madras. The House will remember that the regiments draughted for service upon the Persian expedition were taken from the Bombay army, and not from the Bengal army. Now, if instead of arguing, as the hon. and learned Gentleman has done, upon hypothetical grounds to prove the connection between the mutiny in the Bengal army and the expedition to Persia, we argue upon more general grounds, surely it would have been natural to expect, if there were such connection between the two events, that the mutinous spirit would have shown itself in the army which was weakened by the withdrawal of a portion of its regiments from India. But, so far from that being the case, there has not been, so far as we know, any symptom of any outbreak in the Bombay presidency or its neighbourhood. That circumstance alone must be considered as raising a strong presumption against the theory of the hon. and learned Gentleman, that it was the mere abstraction of a few regiments which caused the present danger. There were some native regiments sent to Persia in company with two or three European regiments. Did those native regiments exhibit any spirit hostile to the interests or the authority of England? Surely upon landing in a foreign country, in the face of an enemy, had they desired to weaken the power of England, then was the opportunity for manifesting a hostile spirit; but so far from that, they behaved with as much readiness and bravery as the other troops engaged upon that service. The European regiments by this time have returned to India; and there does not appear from the accounts we have received the smallest ground for supposing that the native regiments in Persia have any connection, or even any sympathy with the mutiny at Delhi. The outbreak of disaffection in Bengal, as far as we can at present judge, has its origin in religious feelings of wounded superstition, and quite unconnected with any political calculations of weakening the British power during the absence of a portion of its forces. I think, therefore, that the House will not be willing to yield assent to the connection which the hon. and learned Gentleman has assumed to exist between the Persian expedition and the mutiny at Delhi and other portions of the north-western provinces of India. If this Motion had been made when the papers were first laid on the table, it is scarcely necessary to say that no such idea could have entered into the head of any hon. Member of this House, inasmuch as they were wholly unprepared for any such result as that which has taken place. Although the hon. and learned Gentleman says we were warned against the issue of this expedition, I feel confident that no person, two months ago, really expected that any such consequence would have been produced. But the hon. and learned Gentleman does not stop there. He attempts to augur the worst consequences from the late events in India, and he holds the Government responsible for what he seems to contemplate as a not improbable result—the destruction of our Indian Empire. [Mr. Roebuck: No, no!] Certainly my ears must have deceived me if he did not hold out to the House as a not improbable hypothesis, the ruin of British dominion in India. I rejoice, however, to find that I mistook the hon. and learned Member, and that he repudiates any such gloomy anticipation. I am sure, also, the House at large will concur in repudiating the contemplation of any such event as probable. However much we may lament the disastrous intelligence lately received from the East, we cannot have failed to observe that the mutinous spirit has been confined to the army—that the population at large has not joined the mutinous soldiery—and that a rising of this kind which stops short in its commencement, and does not spread like a conflagration, may be regarded as having already failed. I confess, therefore, judging as far as one's limited means of judgment permit, from the imperfect accounts which the last two posts have conveyed, that I cannot consent to place the continuance and the permanence of our Indian Empire on a hypothesis. I look forward to that permanence with confidence. Nor can I in any way admit the justice of the censures of the hon. and learned Gentleman, or allow that the recent events in Northern India have been in any material or perceptible degree precipitated by the expedition to the Persian Gulf, and the consequent withdrawal, for only a short period of a year, of a few regiments from the Bombay Presidency. I cannot consent that he should connect these two events; and, denying the probability of his anticipations—narrowing, as I think we are justified in doing, the probable evil in the North of India—admitting, nevertheless, those evils to be of the gravest character, and to portend a future in India which will deserve the most anxious vigilance and attention of Parliament—I cannot believe that Her Majesty's Government is in any manner responsible for those events, or that even the ingenuity of the hon. and learned Member will succeed in convincing this House or the public that that the expedition to the Gulf of Persia contributed in any sensible degree to the recent outbreak in India.

Mr. NISBET said, that having held an important civil appointment in India for many years, he might be allowed to state his opinion of the causes which had led to the present outbreak. He was in India in 1824, when the 47th Regiment of Native Infantry mutinied at Barrackpore, only fourteen miles from Calcutta, where there then were two European regiments and a corps of artillery. That regiment refused, in the presence of European troops, to ground its arms, and it did not obey until it was fired upon. A considerable number of the men were killed, and the regiment was struck out of the Native army. He was, therefore, inclined to attribute the present mutiny not so much to the absence of an European force as to the particular class of soldiers who composed the Native army—he meant the men of high caste. During the Burmese war he had held the principal civil situation on the frontier of Assam, when a body of at least 10,000 Native troops passed through under his superintendence, and hardly a single regiment could be induced to march without giving the greatest trouble. Unfortunately, the Government had been too indulgent to the Sepoys of high caste, who declared that they were soldiers, and had not enlisted to go on board ship. The Government humoured them in this respect, and tried to send them by land; yet that did not satisfy them. These men said that their business was to fight, not to work; and it was not easy to bring them to a state of due subordination. Another great cause of this mutinous spirit was the extreme paucity of European officers in the native regiments. At present, officers were employed all over the country upon civil services, and too much of the work of Government rested upon them. Although it was true that they were recalled to their regiments in time of war, yet this practice was most injurious; as the direct consequence of their absence was, that the soldiers did not know their officers, nor the officers their soldiers. He had, however, known regiments go into action with only six officers, most of whom were mere boys. The fact that this insurrection broke out at Meerut, where there were European troops at the time, showed that the presence of a European force was not sufficient of itself to prevent the recurrence of mutiny. The system of withdrawing officers from their regiments and appointing them to civil situations ought to be abolished. A regiment of Sepoys required as many and even more officers than a Queen's regiment, and true wisdom would dictate the diminution of the Native army by one-half and the doubling the number of Europeans.

Mr. BAILLIE said, he would express a hope that the question before the House would not be converted into an Indian debate. The right hon. Gentleman the Chancellor of the Exchequer had made an able defence of the policy of the Government in reference to the Persian war; and that defence had proved all the more effective because it so happened that the hon. and learned Member for Sheffield had never once attacked that policy. The subject under consideration might be divided into three parts:—First, there was the constitutional question whether any Minister was justified in spending the public money without the cognizance or consent of Parliament? The second question related to the object of the Persian war, and to whether that object had been attained. The third question involved our past policy with respect to Persia, and what ought to be our policy for the future. With regard to the first point, no one could doubt for a moment that the public money had in this case been spent without the consent or the cognizance of Parliament. It would be in the recollection of the House that in the month of February last he had put a question to the right hon. Gentleman the President of the Board of Control—namely, whether it was true that the order for the expedition to the Persian Gulf was issued in the course of the July preceding, at a time when Parliament was sitting, and without any communication being made to Parliament on the subject. The answer was, that provisional orders were sent out to Bombay in July last, but the order for the expedition to sail was not sent out till September. Now, he found that those provisional orders, as they were called, were given by Lord Clarendon on the 19th of July, 1856, and that they were to this effect:—

> "Her Majesty's Government are of opinion that the Shah has clearly shown that he is determined to persevere in the policy on which he has rashly entered as regards Herat; and as the success of that policy would be opposed to the interests of Great Britain, it appears necessary to lose no time in providing means for compelling the Shah, by coercive measures, to desist from his present schemes of aggrandizement. Her Majesty's Government, therefore, consider that instructions should at once be sent to the Governor General of India to collect at Bombay an adequate force of all arms, and provided with the necessary means of transport, for occupying the Island of Karrack and the city and district of Bushire; and to hold such force in readiness to depart from Bombay at the shortest notice. But the Governor General should be informed that the expedition is not actually to set out until the receipt of further orders from Her Majesty's Government."

Those orders, then, involved the expenditure of a large sum of money; they comprised the hiring of transports, the purchase of stores and provisions, the embarkation of those stores, and the withdrawal of troops from Bombay; and there was no reason why the House of Commons should not have been informed of it, because the House was sitting at the time. The Minister might have said that the Government found it necessary to make a demonstration against Persia, and he might have explained the measures which he was about to adopt. It had been said by an hon. Member that the idea of the House of Commons being the guardian of the public purse was all moonshine, and he (Mr. Baillie) was really inclined to think that, according to the practice of modern times, it was so; but certainly that was not the opinion of the constituent body, who sent their Representatives to that House to look after their interests, who regarded them as the protectors of the public purse, and who no doubt would think that they merited censure if they failed in their duty in that respect. It might be asked what was the utility of bringing forward Motions of this sort when the noble Lord at the head of the Government had such a majority to support him. He (Mr. Baillie) knew perfectly well that the noble Lord was very powerful in that House. He did not know, however, that the support, which the noble Lord received, was of so servile a nature as to enable him to dispense with all the forms of Parliament and of the constitution. If it were so, all that he could say was, that he would rather live under an acknowledged despotism—such, for example, as that which existed in France or Russia — than under such a system; for there the chiefs who were acknowledged to be supreme acted at least under a deep sense of responsibility, whereas the noble Lord, who was practically supreme in this country, contrived, while following the bent of his own inclinations, to throw all the responsibility of his acts upon the Parliament which supported him. But he did not wish to dwell longer upon this subject; he had rather leave it in the far abler hands of the right hon. Baronet the Member for Portsmouth (Sir F. Baring). The House would remember that a few days ago that right hon. Gentleman called to task the First Commissioner of Works because he had ventured to appropriate the sum of £11,000 without the consent of Parliament to effecting what every one must admit to be a great benefit to the citizens of London. He could not doubt, therefore, that upon this occasion the right hon. Baronet, with his accustomed eloquence, and the weight of his long official experience, would denounce an act which he (Mr. Baillie) was certain that he must regard as most unconstitutional. He came now to the second question—namely, what was the object of the Persian war, and had that object been attained? They had often been told in that House that the object of the war was to compel the Persians to evacuate the city of Herat; but since the papers had been laid upon the table by command of Her Majesty he found that that was not the sole object of the war, and that there were many other demands made upon the Persian Government. He would state to the House what the real demands were. It seemed that in the autumn of last year, Ferukh Khan, the Ambassador of Persia, was on his way to Paris. He stopped at Constantinople, and there entered into communication with Lord Stratford de Redcliffe. His overtures were received in the first instance with some haughtiness, but ultimately he induced Lord Stratford to tell him what were the demands made upon Persia by the British Government. Those demands were embodied in the following declaration which Ferukh Khan was to sign:—

"1. Persia engages immediately to withdraw all the Persian troops from Herat and its territory, and to pay compensation for all damages done by them therein.

"2. Persia shall enter into a formal treaty with England, by which Persia will renounce all pretensions of any kind to interfere in the affairs of Herat, or of any portion of Affghanistan; will engage not to receive at any time overtures to interfere in their internal affairs; will recognize their absolute independence; and will agree to refer to British mediation any differences which Persia may hereafter have with them.

"3. Persia shall negotiate and conclude a new treaty of commerce with England, by which all questions which have hitherto given rise to discussion between the two Governments shall be settled, and the right be conceded to England of appointing consuls in any part of Persia.

"4. All debts due to British subjects shall forthwith be paid, and an understanding come to on disputed claims.

"5. Persia shall make an arrangement respecting Bender Abbas, satisfactory to the Imaum of Muscat, the friend of England.

"6. His Majesty the Shah, in consideration of the part taken by the Sadr Azim in the late differences between the two countries, shall dismiss him, and replace him by a Minister more likely to maintain a good understanding between England and Persia."

Those were the terms demanded at Constantinople before the war began, and to every one of those conditions Ferukh Khan consented, with the exception of the one which demanded the dismissal of the Sadr Azim, or Prime Minister; and he said that it was impossible for him to agree to that, because the actions of that Minister had been in accordance with the directions of the Shah, and it was impossible for the Shah to dismiss a Minister for obeying his orders. To everything else, however, Ferukh Khan agreed. But it seemed that Lord Stratford was bound by his orders—he could not dispense with the dismissal of the Persian Prime Minister, and on the 12th of December, 1856, he wrote to Lord Clarendon—

"All my endeavours to prevail on Ferukh Khan to redeem his pledges have failed. Before sending to Tehran by express, and consenting to stay for the reply, he requires a promise that no expedition shall meanwhile land in Persia, and that nothing shall be added to the present ultimatum, not even a demand of indemnity. I undertook if he would do without more hesitation whatever he had offered or accepted, to submit the conditions of his stay to your Lordship by telegraph. He now insists on my writing home first, and I send him word that I have nothing to add. The terms of the ultimatum continue to tie me down. The Sadr Azim's dismissal is a great obstacle."

Four days after that was written, but, of course, before it had been received, there was a despatch from Lord Clarendon, dated December the 16th, which put the matter beyond doubt. It ran thus:

> "Nothing will be added to the present ultimatum, provided that its conditions are complied with, but delay will give rise to more stringent demands. The Ambassador's request that our expedition to Persia may be delayed cannot be listened to. We must insist upon the dismissal of the Sadr Azim."

It was quite manifest, therefore, that the war had been undertaken for the dismissal of that Minister, because every other term was agreed to, and not for the evacuation of the city of Herat. The negotiations were then broken off, and the Persian Ambassador, after stating that he withdrew all his concessions, proceeded to Paris; but in the meantime the war was begun, the expedition was sent out; it arrived in the Persian Gulf; success followed its operations, Bushire was captured, and those events took place with which they were all familiar. Arrived in Paris, Ferukh Khan entered into communication with Lord Cowley, and negotiations were again commenced; but Ferukh Khan made none of the concessions at Paris which he had offered at Constantinople. The war having been begun, and we having been, as we had been told, successful, were yet obliged to give up every one of those conditions which had been offered to us at Constantinople—at least, all those which were offensive to Persia. We gave up, for example, all compensation to the people of Herat; we abandoned the question of the dismissal of the Prime Minister; we gave up our friend the Imaum of Muscat; and, after a great sacrifice of money in the Persian expedition, and after the loss of many valuable lives, we ended by obtaining much worse terms than we could have had before the war was undertaken. That was the way in which this successful Persian war was brought to a conclusion. Now, he would read what Lord Cowley stated with respect to the negotiation which took place in Paris. He said,—

> "The undersigned comprehends from the note of His Excellency Ferukh Khan, coupled with the verbal explanations which the undersigned has had the honour to receive from his Excellency, that the King of Persia makes it a personal request of the British Government that the first of these conditions should not be insisted upon; that with regard to the second his Excellency has learnt, that since the engagement which he contracted at Constantinople considerable sums of money had already been sent by the King of Persia to Herat, and that consequently more profit than loss has accrued to the inhabitants of that town from its occupation by Persian troops, and he hopes, therefore, that he may be released from the promises which he made on this point at Constantinople. With respect to the mediation of Great Britain in the matter of Bender Abbas, his Excellency Ferukh Khan observes that the question is already satisfactorily settled between the parties interested, and that consequently no mediation is necessary. The undersigned cannot but regret that his Excellency Ferukh Khan should not have repeated in writing that which he has so often given the undersigned to understand while conversing on these matters, namely, that if these conditions were persisted in by Her Majesty's Government, and agreed to by the Persian Government, the King of Persia's dignity and independence would be greatly compromised in the eyes of his subjects, because it is for this reason that Her Majesty's Government have determined on desisting from them, being most unwilling, by insisting on obnoxious stipulations, not absolutely necessary to the attainment of peace, to do aught that would either influence the sentiments of the Persians towards their sovereign or injure the power and welfare of the Persian dominions. It is the desire, as it is the policy, of Her Majesty's Government that Persia should be strong, prosperous, and independent, and they cannot give a greater proof of their sincerity in this respect than by the moderation of their demands while in possession of a valuable portion of the Persian territory. The undersigned has, then, the pleasure to inform his Excellency Ferukh Khan, that Her Majesty's Government will not insist on his acceptance of the three conditions to which his Excellency's note refers."

It appeared to him that if those stipulations were not just and reasonable they ought not to have been proposed, but having been proposed, and war having been declared because they were not complied with, it was contrary to the character and honour of this country to accept, under the circumstances which occurred, less favourable terms. So much for the second part of the case as regarded the object of the Persian war, and the way in which it had been attained. Now he would go to the third part of the question—namely, the past conduct and policy of this country with respect to Persia, and what ought to be the policy of this country towards her for the future. It was impossible to reflect on the past conduct of the country with respect to Persia without some degree of humiliation. It was very well known that previously to the last Persian war with Russia, England was on terms of the greatest friendship and alliance with Persia. Previously to that war England had made a treaty with Persia, by which she bound herself specifically to defend Persia, if Persia should be attacked by Russia. Well, the day of trial arrived during the Administration of the Duke of Wellington. Russia declared war against Persia, and invaded the Persian territory. Of course, she found some pretence for war, the wolf was never without that; but England stood tamely by, and allowed Russia to deprive Persia of her fairest provinces without lifting a hand in the defence of Persia, or raising even a remonstrance. How could any one be surprised that Persia, under such circumstances, lost all confidence in England, and threw herself into the hands of a Power which she was totally unable to resist? That was the natural consequence of the conduct of England on that occasion. Since then there had been more or less of estrangement between this country and Persia, and that estrangement had been increased by the bungling diplomacy of this country. England thought it necessary to take part in all the quarrels of the Affghans and Persians on their frontier. For years those countries had always had disputes of the kind, and whenever Persia attempted to resist the insults of the Affghans, by marching to the city of Herat, England interfered, and said that if the Persians went there she would be prepared to declare war against them. This state of things had been going on for some fifteen or twenty years. The importance attached by the British Government to the city of Herat arose, he imagined, from a supposition that it might some day or other be made the base of Russian operations against India. Therefore the great object of England was to prevent Herat falling into the hands of Russia; but then the question arose, was the course taken by England the best to attain that object? Three courses were open. England might have given Herat to the Persians or to the Affghans, or have given it, as she had done, into the hands of an independent prince. Let the House consider the expediency of the three propositions. England had said that Herat should be put into the hands of an independent prince, together with a small territory around it. Well, suppose that accomplished, and suppose an immense Russian army, well equipped and capable of invading India, had, with the aid and assistance of the Persians, marched through the Persian territory and arrived at Herat. Did any one believe that the independent prince of Herat could resist such an army? Then, where was the great object in quarrelling with the Persians and Affghans in order that this petty prince might be placed in that city? That was the question as it now stood, and now let the House consider the case of Herat being given to the Affghans. He thought that in discussing this question they might fairly assume that both the Affghans and Persians, being semi-barbarous people, were not likely to maintain either treaties or friendly relations with this country for a moment longer than their interest or inclination dictated. If Herat were given to the Affghans, would it be the inclination or interest of the Affghans, in the event of Russia invading India, to take part with the British? He would show that it would be both their interest and inclination to take part with the Russians. It was known that they entertained the most vindictive feelings towards the British, who had laid waste their country, burnt their territory, and destroyed their crops. This, as naturally might be expected, was exemplified in the last Punjab war; when our general appeared in some difficulty about the time of the battle of Chillianwallah, the army of the Affghans descended from the mountains and joined their hereditary enemies, the Sikhs, against the British; and when Dost Mahomed was accused of treachery, he declared that it was no fault of his, but a spontaneous act on the part of the people, which he was unable to prevent. He believed that Dost Mahomed stated no more than the truth; and so much for the inclination of the Affghans towards England. Now, let the House consider what would be their interest. The British held at the present time the Affghan city and fortress of Peshawur, with a certain territory, which they were incessantly demanding to be restored to them. In case, then, of a Russian invasion of India, the first thing the Russians would do would be to promise the restoration of Peshawur to the Affghans, and therefore it would be the interest of the Affghans to side with the Russians. Consequently it would not be advisable to give Herat to the Affghans. Now, the Persians were the only people in the world mainly interested in the maintenance of the British power in India. It was only by the existence of that that the Persian Empire could be maintained for six months, for Russia might march and take possession of it without any European Power being able to prevent that catastrophe. The Persians, therefore, were the people to whom naturally the British should have given Herat, and he believed that the inhabitants of Herat would much rather be under Persian than Affghan rule, for many of them were Persians, the city having formerly been Persian. If that course were pursued, the Persians would be found to continue on the most friendly terms with England, and if at any time the Russians should be anxious to invade India, they could only accomplish the object by marching through one of the most barren and difficult countries on the face of the earth. Concurring, therefore, neither in the policy which had led to the war, nor in the manner in which it had been concluded, and conceiving also that Her Majesty's Government had not acted towards the House in a manner accordant with the spirit of the constitution, he should support the Motion of the hon. and learned Member for Sheffield, though he very much regretted to be obliged in truth to support any Motion likely to embarrass the Government at the present time.

VISCOUNT BURY said, he did not think the present a proper time to throw any difficulty in the way of the Government, when a great portion of the Indian empire was in arms against the British. He felt that the Government ought to have every aid afforded them, so that their hands might be strengthened at a time when the *prestige* of their power was shaken in the East. Therefore he could not concur in a Resolution condemning the Government, though, at the same time, he could not think it a right course that a war should be begun and finished without the House being allowed an opportunity of expressing its opinion. He was one of those who altogether entertained objections to diplomatic relations with semi-barbarous people, for he thought such relations never tended to the interest or honour of the country. As a representative of one of the great commercial cities of this country, he condemned the war *in toto*, because he thought it was not based upon a just cause, that it could not serve any good purpose, and that it involved a waste of England's blood and treasure. He could not see how the interference of this country could be justified, even on the ostensible ground of securing the frontiers of India from foreign invasion. Previously to 1814 France, and since that period Russia, had been the objects of our fear. He thought our mission to Teheran had been proved by history to be a mistake, diplomatically and financially, and that the danger against which it was intended to guard was extremely chimerical. In the reign of James I. a Persian ambassador presented his credentials for the first time at the British Court, but he was followed by a second Minister, who declared the credentials of his predecessor forgeries, and kicked him down stairs. The diplomatic intercourse between the two countries then ceased for a century and a half, and was renewed by Lord Wellesley, who seemed to fear that French intrigues were carried on at Teheran, and that Napoleon might lead an army against our Indian frontier. A mission was sent to Teheran, which succeeded in inducing the Persian Government to issue a proclamation forbidding all Frenchmen from entering Persia on pain of death. In 1808, another mission was sent to the Persian Court, and from that time until 1814, Sir John Malcolm and Sir Harford Jones were engaged in arranging the preliminaries of a treaty with the Shah. The treaty now in force was eventually concluded. Sir Harford Jones was a somewhat choleric gentleman, and was accustomed from his age, and from his experience at the Court of the Shah, to indulge in a freedom, both of language and action, which was not usual in civilized society, and especially in diplomatic intercourse. After the treaty had been ratified, the Vizier said something that offended Sir Harford Jones, who, to use his own words, "punched the Vizier's head against the wall," kicked out the candle which was on the floor, seized the treaty, sprang upon his horse, and galloped off before any one could stop him. By the ninth article of that treaty it was provided that in the case of a war between Persia and Affghanistan, the British Government should not interfere unless requested to do so by both the belligerent States. Something had been said of a convention which had abrogated that treaty, but the Shah—one of the contracting parties—declared that such convention was never signed; and he (Viscount Bury) thought, therefore, they must conclude that the treaty of 1814 was still in force, and that England had no business to prevent Persia from going to Herat. Without, however, pretending to unravel the knot into which this question had been worked, he would shortly call the attention of the House to the possibility of an invasion of India from that quarter, upon which question alone the importance of Herat was rested. He had always thought the fear entertained of such an invasion chimerical. Russia was the power from which, since 1814, encroachments had been apprehended; but the ability of Russia to invade India was easily tested. Some years ago, a picked army of 20,000 Russian troops, under General Petrovski, attempted to march to Khiva, but they encountered the Turcomans, and were compelled to retire into the mountains near the Caspian Sea, with a loss of nearly a third of the invading force. The Russian people were very indignant at this repulse, and the subject was referred by the Czar to the late Duke of Wellington, who said General Petrovski could not have done otherwise than retire, and that by sacrificing one-third of the army he had saved the remainder. On the western side of the Caspian, the Russians had been engaged for fifty years with the mountaineers of the Caucasus, but had never been able to reduce them to submission. Now, the distance from the shores of the Caspian Sea—of which Russia had full command—to the nearest point of our Indian empire was at least 1500 miles, the greater part of the intervening country consisting of an arid desert, where neither provisions, water, nor fuel could be obtained, and it would be utterly impossible to convey artillery through the rocky mountain passes. But, supposing the Russian forces to have an ample supply of food, fodder, water, and fuel, and roads upon which artillery and ammunition could be moved, it was not likely that they would progress more rapidly than our Indian army; and when General Harris marched upon Seringapatam over 137 miles of country, chiefly British territory, under favourable circumstances, the journey occupied twenty-seven days, so that the troops proceeded at an average rate of five miles a day. It would, therefore, take a Russian army about ten months to move over the distance of 1500 miles to the nearest point of our frontier, and they would then have to encounter a British army. During this march, too, the Russians would have to meet more than seventy nomad and barbarous tribes, not including the Affghans, who would dispute every inch of ground. When the House remembered that in little more than a month after news of the Indian mutiny reached this country a number of troops sufficient to quell it had been despatched, and that in four or five months a large army could be conveyed to India, he thought they would admit there was no reason to apprehend any danger from Russia with regard to our Indian empire. He considered that the Government deserved great credit for the prompt and efficient measures they had adopted to quell the disturbances in India; he did not think the present was a time when the House should express an opinion adverse to their policy; and therefore he could not vote with the hon and learned Member for Sheffield.

MR. DANBY SEYMOUR said, he believed the opinion of the noble Lord (Viscount Bury) that the present was not a time for embarrassing the Government, would meet with the concurrence of a large majority of the House. A crisis had occurred in India, which he hoped would have no serious consequences; and it had been admitted that Her Majesty's Government had taken most vigorous measures to afford aid to the representatives of British authority. The question was, whether the Government were right in proclaiming war with Persia without communicating their intentions to the House; but he would ask how the Government could have been expected to call Parliament together at so unusual a time of the year, and to give an opinion on a war that was essentially an Indian war; for the war was not undertaken on account of any mere minor questions, but because Persia chose to take a course that was in direct hostility to our empire in the East. All the minor points at issue might have been arranged, had it not been that Persia sent an army to invade Herat. The hon. Member for Inverness-shire (Mr. Baillie) had told them that in the event of a Russian invasion of India the Affghans would side with Russia, and not with this country; but such an idea was contradicted by history, and by what were the true interests of Affghanistan itself. The Affghans had felt and knew our power; they knew that we had conquered their country, and that but for an unforeseen disaster we might have retained it. It was a poor country, which it was not our interest to retain, as the Affghans readily admitted; but with its natural strength and its warlike population it was just such a country as we should wish to see placed between the two greatest countries in the world. Were the Affghans favourable to Russia during the late war? Did the attitude of Dost Mahomed during that war look like partiality towards her? Did he send an ambassador to St. Petersburg, or offer to join the Russians in an invasion of India? No! He showed himself the friend of India. He met a distinguished Indian officer on the frontier, and even gave his consent to the passage of English troops through his territory. It was known that, before the fatal invasion, Dost Mahomed and all the Mollahs were favourable to England, and although we then committed acts which were indefensible, they still retained a wholesome reverence for our courage and our power. The hon. Gentleman said the Persians were the only people interested in the preservation of India, but in that he wholly disagreed with him. The people of Affghanistan were as much interested in the maintenance of the present position of affairs in the East as those of Persia could possibly be. Persia held the same position in the East that Austria did in Europe. She was an internal State surrounded by other Powers, and, though not what she once was—though she had greatly shrunk within the limits that anciently belonged to her—she still possessed no small amount of *prestige*, and her power was great even in countries that did not belong to her. It was no doubt the interest of Persia to cultivate the friendship of the large States by which she was surrounded; but when the two greatest empires in the world went to war, when she attempted then to take advantage of her position—when, assuming an attitude of neutrality, she proceeded to break that neutrality, insult our Ministers, and violate her solemn engagements, by advancing upon a city which was prohibited to her troops, what in such a case was the proper attitude of the great empire she had insulted? Surely it was not to give in to that weak Power, but to say to her, "Distant as you are, you shall be made to feel the power of our arms." Such was the course taken by the Government in the case of the Persian war. Persia had grossly violated her engagements, and she was at once told that, though we were at war with Russia, we still had the power to look after her, and compel her to fulfil all her pledges. It was not till all the means of negotiation had been exhausted that the Government resorted to force, and succeeded in establishing a peace which he trusted would be long maintained. The moment Parliament assembled the papers were laid on the table. China and other matters had certainly occupied the attention of the House, but why should the affairs of Persia have been neglected till now? Why should an increase in the Estimates make any difference? They were told in the first instance that the estimated cost of the war was £250,000, and at that time no fault was found, but a tacit assent was given to the course which had been pursued; but now, when they had a larger bill to pay, the question was taken up and discussed, though the principle which was involved could not in the least degree be affected by any increase of the Estimates. The time for calling in question the propriety of the war had passed; he could not but regard it as unfair and ungenerous to the Government to raise the question now, and he trusted that the House would not sanction by its vote such a mode of transacting public business.

MR. WILLOUGHBY said, he must express his surprise that there was any difference of opinion with respect to the maintenance of the independence of Herat. The policy pursued towards Persia had been the same in all Administrations for many past years, and, though he concurred generally in the wisdom of that policy, he differed from the Government as to the mode in which they, in 1838, attempted to carry it out. They were, however, now only following up the policy laid down by the Government of the Earl of Derby. It would be seen by the papers on the table that the Earl of Malmesbury, Foreign Secretary under the Earl of Derby's Government, inculcated on our ambassador at Teheran a course which ended in a convention with Persia, in which that State solemnly agreed to abstain from sending troops to Herat. In these circumstances what course could the Government take when Persia declared that Herat was no longer to be left inviolate? In his (Mr. Willoughby's) opinion, the moment the Sudar Azim informed Lieutenant Colonel Shiel that the Persian Ministers considered Herat, not Affghanistan, to be a province of Khorassan, and the protection of Herat, and the people of Herat to be their duty, immediately following up this declaration by despatching a military force to occupy it, Her Majesty's Government had no alternative but to adopt vigorous measures for frustrating their design. Of course, with regard to the mode in which the Government had carried out its policy in this matter, opinions might vary. Some might think it would have been better to advance directly to the object in view, others, to make the demonstration which has been made on the coasts of Persia. Be that as it might, he should certainly not discuss the merits of either of these modes of proceeding; but the course pursued by the Government had at least the merit of success, and he thought it a matter for congratulation that the Government had obtained a stipulation by which, in future, Persia renounced all claim to the occupation of Herat. He submitted, however, that the present was not the time for arraigning any course of action which Her Majesty's Government had felt it their duty to pursue with respect to Persia. A great crisis had arisen in India to which no man at all acquainted with that great empire could be indifferent; still he thought it afforded no cause for despondency or anything like unmanly alarm. At the same time it was the duty of every one at this particular time to do all that in him lay to strengthen the hands of Her Majesty's Government, and to enable the authorities in India to put forth their whole energy in crushing the rebellion. It would be premature to attempt to enter into a consideration of the causes which might have combined to bring about the present crisis; but he could not refrain from observing, that the discussion the other day, founded on a memorial from certain Missionaries at Calcutta, was most injudicious. He yielded to no one in his respect for the gentlemen from whom that memorial emanated, but he thought they would have done wisely had they acted on the principle which they avowed in 1843 in an exceptional case—relating to the Gates of Somnauth, namely, the principle of never interfering in matters of State policy, or with the measures of the Supreme Government; and that ought to have been the answer to the memorial in question, when it was brought under the notice of the House. With respect to the charge brought against the covenanted servants of the East India Company, in reference to the abominable system of torture, he should not then attempt to show that that charge was utterly unfounded, though he had the fullest proof within his own knowledge and experience that it was so. Torture in India is denounced as a crime and punished as a crime whenever detected; and at a more convenient season he would prove from the Report of the Madras Commissioners that the charge preferred against the Company's European Officers in this House, and re-echoed by a portion of the public press, is altogether without foundation. He begged to thank the House for the patience with which they had listened to the few remarks he had ventured to address to them.

SIR FENWICK WILLIAMS said, he could not on the present occasion reconcile it to his conscience to give a silent vote on the Motion before the House. For ten years he had been employed in a public capacity in various parts of the East. He was engaged for five years in negotiations at Erzeroum relative to differences between Persia and Turkey, and for five years subsequently he travelled in all parts of the Persian territory. He had, therefore, many opportunities of becoming acquainted with the opinions of almost all classes of the people, and he could assure the House that in his communications with Persian princes, Turkish dignitaries, and the peasantry of both those countries, the relative position of Russia and England was the constant theme of conversation among them. They weighed the military power of Russia against the naval power of England, and they talked almost continually of the possibility of Russia going to India. That idea was also inculcated on the minds of the people by every Russian agent who visited their territory, and it was said by those emissaries that Russia would establish herself in India step by step, and that one of the first of those steps would be the capture of Herat. That being the case, he thought the House might safely affirm the policy of the war with Persia. The war with Russia ensued, and every one knew what had taken place in Asia. After the fall of Kars, he (Sir Fenwick Williams) went as a captive into Russia, and there, as in Persia, he found the invasion of India through Persia to be the universal and favourite topic. Under these circumstances, he was firmly convinced of the policy of the Persian war. With respect to the expedition to the Persian Gulf, which had been admirably arranged, in his opinion it was the best move ever made by England. For ten years, to obtain the transfer of Mohammerah from the Turks to the Persians had been the object of ceaseless negotiations, and therefore it might be inferred that to the latter people the place was of great value, and when he (Sir W. Fenwick Williams), in the course of his duty, placed Mohammerah in the hands of the Persians from the Turks, he little thought that he should have witnessed its being taken by British troops. It was said, that the finger of Russia was seen in the capture of Herat, and in the same way it might be affirmed that the finger of England was seen at Mohammerah, and the House might depend upon it that for one hundred years to come its speedy capture would not be forgotten by the Persians. It was said that the Persians would not give up Herat. He should like to see them retain it, as we should then retain Mohammerah, which, being seated on an embouchure of the Gulf, was the great entrepôt of their trade. He mentioned these circumstances to justify the policy of the war, and to show how successful and wise had been the negotiations for peace.

Mr. LYGON said, they were not there to discuss the policy of the war with Persia, but the conduct of Her Majesty's Government in dealing with that House, and he must observe, after all he had heard from the Ministerial Benches in the nature of defence, that he was left completely in the dark as to the motives which had prompted the treatment of the House by the Government in reference to the conduct of this war. They had heard from that quarter of the House some valuable historical accounts of the way in which England had dealt with Persia in previous times, but nothing about the question really before them—namely, the attempt to deprive that House of its constitutional control over the finances of the country. He ventured to express a hope that, during the remainder of the debate, hon. Members would keep more strictly to the question under consideration. They were not called on to discuss historical subjects, but, as he had already said, a great constitutional question, which was especially dear to every Englishman, and indissolubly bound up with the privileges, the dignity, and the honour of the House of Commons.

Mr. H. B. SHERIDAN said, in the event of the hon. Member for Sheffield (Mr. Roebuck) dividing the House on this occasion, he should be constrained to vote in favour of the Motion. His reason for that course was not at all influenced by the policy which dictated the Persian war, but solely by what he considered was the unconstitutional course pursued on that occasion by the Government. He had entered that House perfectly unfettered, and had heretofore given his support generally to the Government; but this was a case in which they had committed an oversight; for he thought, in all instances where large sums of money were to be expended, the representatives of the people should be summoned and consulted on the subject. He did not mean to say that the prerogative of the Crown did not give the Government power to declare war, but he would remind them that Lord Kenyon had laid down the maxim that the prerogative of the Crown should always be exercised for the benefit of the people.

Lord JOHN RUSSELL said: There are two questions before the House. They have both been discussed with great moderation, and I certainly do not wish to alter that tone. The one question is that to which the hon. and learned Member for Sheffield (Mr. Roebuck) almost entirely confined himself—namely, the control over grants of money by this House; the other question is, the policy of the Persian war. With regard to the first of these questions, I think the hon. Gentleman who spoke last, and several other hon. Members who preceded him, even the hon. and learned Member for Sheffield, who spoke with so much ability, have a little overlooked the precise facts connected with the delay. I may say that, with regard to the latter part of the delay, from the month of February to the production of the papers, this House was, in my opinion, a consenting party. I believe that, on the 3rd of February, the very day when the late Parliament met, a communication took place between Lord Cowley and Feruhk Khan, the Persian Ambassador, which was made the basis of negotiation. It then became a question with Her Majesty's Ministers whether it would be conducive to the success of that negotiation to produce, at that time, papers explanatory of the causes of the Persian war. They stated to the House very fairly and temperately that, in their opinion, the production of papers might embarrass that negotiation; but it would have been in the power of this House, if this House had thought otherwise—it was in the power of any hon. Member, if he had thought otherwise—to make a Motion for papers, and if that Motion had been successful, the papers would no doubt have been produced. It was, I think, the wisdom of this House which induced them to refrain from pressing for any such papers. They concurred in the opinion of Her Majesty's Government, and no such papers were asked for during the course of the negotiation. That accounts for the whole period, from the beginning of the Session until the signature of the treaty of peace. It may be that the Government carried their reserve too far, in not producing the papers until the treaty was ratified: but every one knows that the moment the signature of the treaty took place, the late House was menaced with dissolution. Every one was thinking much more of the elections which were about to take place than of the affairs of Persia, and no great good would have followed their production. As soon as the ratification took place, the papers were produced. This explanation with reference to time explains the greater portion of the delay. With regard to the former portion of the delay; I do not think that the Ministers were altogether justified in not calling Parliament together at an earlier period. I do not think it would have been wise, it would not have been expedient, with a view to the success of any operations, that, immediately the orders were given for the collection of troops and ships at Bombay, Parliament should have been called together, and notice thus given of the exact operations which were to take place. But I think that when the 1st of November came, and Ministers were informed that the Governor General of India had, by desire of this Government—not of his own proper authority, but by the desire of the Government at home—declared war, they ought to have called Parliament together. When I reflect, however, that the charge is now made in the middle of July, and that the deficiency of Her Majesty's Ministers—the delay in performing their duty to Parliament—took place during some six weeks before the 3rd of February. I cannot think that it amounts to such a grave charge as makes it at all necessary for this House to come to a Resolution upon it. I cannot concur in the opinion that Ministers are altogether without blame, yet, considering the long time that has elapsed, and considering, moreover, the gravity of the circumstances in which we are at present placed, I do not think we should be justified in coming to the strong Resolution which we are asked to adopt. With regard to the second question—the policy of the war—I shall be very brief. The hon. Gentleman the Member for Inverness-shire (Mr. Baillie) has gone into details with respect to the negotiations, and I own I cannot see that it is at all true that we might not have had as good a settlement as we have obtained without any declaration of war. Lord Clarendon repeatedly declared, not perhaps in the very words, but to the same effect, that the *sine quâ non* of peace was the dismissal of the Persian Minister. That, I think, was an extravagant demand, and it was not persevered in. But if that demand had not been persisted in at Constantinople, Lord Stratford had in his hand powers of complete compliance with all the demands which were then made, and the hon. Member for Inverness-shire has shown that, under that compliance the advantages would have been fully as great, if not greater than were afterwards obtained. Admitting for the moment, and I am quite ready to admit, the importance of the affairs of the East, I cannot see that we should not have obtained all the advantages which we have obtained without the extremity of going to war. I cannot think lightly of any war. I do not think that the Government is justified in going to war without being thoroughly satisfied that objects essential to the interests or to the honour of the country cannot be obtained by other means. The Secretary of the Board of Control said, that all means of negotiation were exhausted. He did not attempt, however, to prove that proposition, and I do not think it is a proposition which can be proved out of the papers which are laid before us. My hon. and gallant Friend the Member for Calne (Sir F. W. Williams) says, he found on the frontiers of Russia, of Persia, and of India, the notion prevalent and much favoured by Russian speculators, that it was the intention and destiny of Russia to conquer from us our possessions in India; therefore, he says, our policy towards Persia was right. I must say, I never saw so short a cut in logic as that of my hon. and gallant Friend. I am quite ready to admit all that he has asserted of his own knowledge and authority with respect to general speculation in the East—a very natural speculation for ingenious and political theorists—upon the future destiny of India, but that he should thereby conclude that our policy towards Persia has been justified, and has been dictated by sound views is rather too sudden a leap for me at once to take. I should have thought from the premises that, supposing that the Russians had designs of advancing to India, it would be our object to conciliate as far as possible the Government of Persia. To be sure, it is said that the Persian Government had violated treaty engagements in its proceedings with regard to Herat. There was a very vague and undefined convention with regard to Herat, with many loopholes in it of which the Persian Government could take advantage. There was one thing, however, tolerably clear—that we never could pretend that Persia was always to neglect her own interests with regard to Herat; that if the ruler of Herat made continual invasions, seized Persian subjects, and destroyed Persian property, the Shah was always to remain passive; that if Dost Mahomed advanced from Candahar and threatened Herat, the Shah of Persia could overlook that circumstance with a due regard to his own interests. The Prime Minister of Persia said, that the Persian Government were ready to act upon the same policy which the English Government approved. They were ready to allow an independent prince to rule over Herat. They did not insist that he should be a Persian. That is exactly what we say ourselves. We do not choose that the Governor of Herat shall be a Persian prince, or that Herat shall be brought under the sway of the Governor General of Affghanistan, and therefore, if it had not been for a trumpery quarrel which had arisen between the mission at Herat and the Persian Government, the probability is, that by the usual diplomatic means—by means of explanation, by stating fairly what it was we wished, by asking the Persian Government to state fairly what they wished, by telling them what we considered essential to our interest, and hearing patiently what they considered essential to Persian interests, we should have come to an understanding, and this war might have been avoided. I say again, I consider this war no matter of indifference. You may tell us that it is only a question of a million, or at most of two millions of money. I do not undertake to say, as the hon. and learned Member for Sheffield does, that the mutiny of the army of India is owing to the taking away of those troops. At the same time these wars disturb men's minds, and tend to put into men's heads speculations upon conquest to which Eastern imaginations are prone, and disturb that quiet in India which it ought to be our policy to maintain. Let me say generally, and I hope I am not saying anything quite contrary to the wishes and views of Her Majesty's Government, that it does seem to me that last year—when we had obtained peace with Russia, when we had obtained by that peace, according to the declaration of the Government, in which the House concurred, all the objects for which we contended—was a time to bear in mind a policy of peace, to conciliate all the great Powers, to consider Russia, after she had made peace, as much a friend as any of the Powers of Europe, and not to be endeavouring for ever to raise up jealousy and suspicion, but to endeavour to tranquillize the world, which had been disturbed by a contest not of our seeking. It was a contest which we did not seek, but which was necessary, though not, as the President of the Board of Control would seem to insinuate, for the sake of India. I should say it was not at all for the sake of India that we went to war with Russia. It was for the sake of England—it was for the sake of Europe, of which this country forms so great a part, and is so great a power: and, having concluded that war, I cannot but think it was our interest that pacific sentiments should be cultivated, and peace established throughout the world. We have interests all over the world. There is no part of any sea, to the east or to the west, to the north or to the south, in which we have not some interest or other, and in which we have not some agent—occasionally not very fortunately chosen—in whose hands a great deal of power is placed. It is impossible to avoid little disputes, trifling quarrels, in some parts of the world. The only way in which we can keep at peace is, by telling our agents, in all cases, to endeavour to come to some rational conclusion, and, while they do not sacrifice any of our treaty rights, or any of our great interests, to recollect that it is neither our interest nor our wish to inflame these petty quarrels, but to smooth them down. These are the views which I entertain. I venture to hope they are not altogether adverse to the sentiments of this House, or to those of Her Majesty's Government. However much we may regret that the war with Persia and the hostilities with China ever took place, we must all, of course, be ready to vote the sum of money which is now asked; but I do hope that it will be the desire and object of our Government to do all in their power, without sacrificing the honour and the interests of the country, to keep that peace which we have obtained at such cost.

CAPTAIN SCOTT said, that he rose with

the usual diffidence of a new Member, who addressed the House for the first time, and with more diffidence than the hon. Member for Tewkesbury (Mr. Lygon) had reason to feel, for he spoke clearly and well. He intended to support the Government upon the present occasion, thinking that, instead of finding fault, they ought to put all their shoulders to the wheel in these troublous times in India. We had brought the present difficulty upon ourselves. Having resided in India from 1827 to 1842, and mixed much with the natives, he knew their feelings very well. He had, therefore, no hesitation in saying that hogslard and cartridges had nothing to do with the mutiny in the Bengal army. That plea was what the natives called "shuma shum," in our language "humbug." The Sepoys saw that we intended to take possession of all the territory in India, and hence their disaffection, which was still further increased by a restriction of the privileges which they formerly enjoyed in respect to furloughs.

MR. KER was understood to say that he should vote against the Resolution, believing that the Government had adopted a wise course in dealing with Persia. Asiatics were so untruthful that it was more difficult to treat with them than the noble Lord the Member for London seemed to imagine.

MR. WALPOLE: The noble Lord the Member for the City, has very properly recalled the attention of the House to the only two points which are really before us—namely, the policy of the war, and the conduct of the Government in withholding from this House information which it ought to have received. With respect to the first of these questions—the policy of the war—I am inclined to agree with almost everything that fell from the noble Lord, and I, therefore, shall not repeat what he has said in much better language than any I could employ. But I own that upon the other question—the constitutional question raised by the Motion of the hon. and learned Member for Sheffield—I was somewhat disappointed at the tone taken by the noble Lord, for I have always been accustomed to look up to him as one of the greatest authorities upon such subjects, not only of those who are alive now, but of those who have preceded him in this House. If we were lightly to pass by the great constitutional question, which the conduct of the Government during the past year has raised for the first time, we should not only be guilty of a gross neglect of duty, but establish a precedent which, if once recognized, could not fail to lead to very dangerous and lamentable consequences. Upon that question there are some things which the House ought to bear in mind. The only justification of the conduct of the Government which I have heard, consisted of a statement by the right hon. Gentleman the Chancellor of the Exchequer, to the effect that in former Indian wars, no announcement was made to Parliament, and that in the late war with Persia the Government had followed these precedents. But I defy the Chancellor of the Exchequer, or any other Member of the Government, to point out to me a time when that course was adopted in the case of a war which was not, in fact, an Indian war, for which the instructions proceeded from the Home Government, and of which the proclamation, when made by the Governor General in Calcutta, was expressly stated to be made pursuant to directions from England. Why, the very agreement which you said had been violated was not entered into by the Indian Government with Persia, but by an accredited agent of the mother country; and it may be asserted, indeed, that every circumstance connected with the late war takes it out of that class of cases in which Indian wars have been undertaken for Indian purposes, by Indian authorities, and at Indian expense. Before the prorogation of Parliament last year, we had an Indian budget from the President of the Board of Control. Upon that occasion the right hon. Gentleman intimated to the House, but in the most cursory manner, that it was possible there might be hostilities commenced by Persia against Herat, and that, if so, means would be taken by this country to deal with the difficulty when it arose. I believe that the right hon. Gentleman had, at the time that speech was made, in his possession a despatch which had been sent to him by the noble Lord at the head of the Foreign Office, and which contained, not a vague intimation that hostilities might possibly be commenced by Persia against Herat, but a distinct announcement that he was to take means for suppressing them. The despatch even pointed out the course which he was to pursue. But let me first mention that that despatch was preceded by one written by the Earl of Clarendon to the Persian Minister, dated July 11, in which the very aggression is noticed, and in which it was stated, means would be taken to resist it.

Then comes the communication from the Earl of Clarendon to the President of the Board of Control, dated July 19, in which this strong intimation appears:—

> "Her Majesty's Government, therefore, consider that instructions should at once be sent to the Governor General of India to collect at Bombay an adequate force of all arms, and provided with the necessary means of transport for occupying the Island of Karrack and the city and district of Bushire; and to hold such force in readiness to depart from Bombay at the shortest notice. But the Governor General should be informed that the expedition is not actually to set out until the receipt of further orders from Her Majesty's Government."

Now, I think that when so strong an intimation had been given by the Secretary of State for Foreign Affairs, something more ought to have been told to the House than the vague intimation which fell from the President of the Board of Control, especially as in September it was followed by a further announcement from the Earl of Clarendon to Mr. Consul Stevens, that a naval and military expedition would be immediately despatched, with a view to operations against the Persian territory, for which preparations had been some time in progress. It is perfectly clear that the Government had at that time decided upon entering into the war, and were even incurring expenses long before any intimation of the fact was given to Parliament or the country. It is quite true, as the noble Lord the Member for London has told us, that in the Queen's Speech, delivered in February, we were told, not that the Indian Government had entered upon a war, but that British forces had been sent on an expedition against Persia. It is true that from that time Parliament had a knowledge that war was going on, and that expenses would be incurred, but it was not until a question was put by my hon. Friend the Member for Inverness-shire (Mr. Baillie) as to by whom these expenses were to be borne, that we had any particular mention made of the matter by any Member of the Government. My opinion is, if these expenses were partly to be borne by this country, Parliament ought to have been called together as soon as those expenses were resolved upon; and unless you look upon the matter in some such light, you will have other wars undertaken at future periods, involving this country in, perhaps, greater expenditure, without Parliament knowing, until it is too late, either the causes or the circumstances in reference to which those expenses will be incurred. Sir, I must say this is a constitutional question of the gravest character, which is now raised for the first time, and which does require that we should seek from the Government some more satisfactory explanation than we have hitherto received. There is one other point to which I would address myself, and to which I desire to call the attention of the right hon. Gentleman the Chancellor of the Exchequer—I mean the amount of the expenses incurred. There was an unfortunate announcement contained in the speech of the right hon. Gentleman in the Committee of Ways and Means, which seems to have kept Parliament in ignorance of the amount they would be called upon to pay. In the Committee of Ways and Means my right hon. Friend said—

> "I think that portion of the expense of the Persian war which is by agreement with the East India Company to be charged upon revenue, and which agreement was that the Exchequer should pay half the expenses of the war, will amount, for the Estimate I propose to take of expenses incurred up to the 30th of April next, to £265,000. That is all I intend to ask for on account of the extraordinary expense in the ensuing year."

That was all he intended to call for that year, but when the Estimate is laid on the table—the agreement between the Government and the East India Company being that the former should pay one-half the expenses—I find that already those expenses amount to nearly £2,000,000. I find, also, that the Vote which is asked is only one-half of the moiety—namely, £500,000, and I therefore conclude that another moiety will be asked for hereafter. Putting all these things together, I think the Government ought to give us, even before we go into Committee, some further explanation as to the expenses which this country will ultimately have to bear, and also whether the Estimate now before us is or is not all we shall be called upon to pay. Sir, as to the Motion of the hon. and learned Gentleman, it is very difficult to deal with it. For the reasons I have given, I certainly am glad that this Motion has been brought forward. I should have extremely regretted to have been, as a Member of this House, a party to establishing a precedent which — from everything I have seen or heard—and I have given to the question the best consideration in my power—I believe to be fraught with the greatest danger, unless the House, at least in discussion, at once declares against it. At the same time, I am by no means insensible of the great danger, in the present state of affairs, of making divisions in this House which are not necessarily forced upon us. I am not insensible to the wisdom of the policy which proposes to strengthen the hands of the Executive Government whenever a great danger threatens them, and I am not one who looks upon the peril as now passed away. I wish, indeed, I could be as sanguine as the right hon. Gentleman the Chancellor of the Exchequer with reference to the mutineers in the Bengal army; but, believing as I do, the peril to be great, then, I say, this House must raise itself to the level of the magnitude of the serious difficulties with which it is surrounded, and if the Government will give us an intimation that this case is not to be drawn into a precedent, it is our duty, under such circumstances, not unnecessarily to press upon them, and afford anything like a manifestation of a diversion or division of opinion in this House. How, then, can we deal with this question? We are asked whether we will go into a Committee of Supply, or whether we will adopt the Resolution of the hon. and learned Member for Sheffield? The question that Mr. Speaker do leave the Chair will be first put, and in voting for that we shall not be negativing the Motion of the hon. and learned Gentleman. We shall simply be saying that we are not prepared to go into that question at the present moment. If we do this, we shall avoid a difficulty; but I shall only do this upon the distinct understanding that I, for one, will never consent, and think this House ought never to consent, that the Government shall be permitted to involve this country in expenses for a war without calling Parliament together to know whether it will sanction and support those proceedings.

COLONEL SYKES said, the Motion of the hon. and learned Member for Sheffield confined itself to a single and definite object—namely, a censure of Her Majesty's Government for having acted unconstitutionally in having carried on a war and spent the resources of this country without the sanction of Parliament. It did not at all embrace the policy of that war, or the present lamentable state of India. It would be impolitic to embarrass the plain and simple question before the House by entering upon these two other questions. The question raised was, whether Her Majesty's Government had done wrong in what they had done—that was to say, whether, inasmuch as on the 19th of July a communication was made to the India Board that there was a possibility of a war between Persia and India in consequence of the aggressive policy of the Shah of Persia, the House ought to have been consulted, or should have continued to sit, until it was ascertained whether there was any necessity to order an expedition to counteract that aggression? In the first instance, a simple notification was sent to the Bombay Government, warning it to prepare for an expedition against Persia. It was not until the 22nd of September that final orders were issued for the sailing of that expedition. In the meantime the Bombay Government was perfectly prepared for the result of those orders, and when they arrived that Government showed what the Government of India was always able to show, that when called upon to display the resources of India for aggressive or other purposes, it was able to perform efficiently what it was called upon to do. That expedition was despatched from Bombay with all its accompaniments of ordnance, commissariat, troops, cavalry, and transports, without the slightest let, hesitation, or difficulty, and it landed upon the shores of the Persian Gulf without the loss of a single man and without the slightest difficulty. It would be well if England had manifested the same efficiency on an occasion nearer home. Why should Her Majesty's Government be blamed because it had not appealed to the House of Commons on the 22nd of September, when it was found necessary to give orders for that expedition? The House of Commons was not sitting at that time—it had been prorogued. And suppose the House had been summoned, was it likely that hon. Gentlemen would have left their grouse-shooting parties to discuss such a question? He thought that such a summons would have produced but a very thin House. But Her Majesty's Government did call Parliament together when it was absolutely necessary to act with promptitude and energy. And what had been the result of the promptitude and energy displayed by us in the Persian war? Continued success, until the war was brought to a termination equally honourable to this country and advantageous in its results, because, whereas Persia before the war suspected our policy towards her, she now felt that the only friend on which she could rely for her defence was the British Government. He had that statement from the mouth of the Persian Ambassador himself. After the treaty was despatched from this country doubts were very generally expressed whether the Shah of Persia would ratify it, in consequence of the influence of Russia. He had a long conversation with the Persian Ambassador, and himself raised that very objection. The Persian Ambassador's reply was, "We are thoroughly satisfied, from the manner in which you have conducted this war, that our only hope of preserving the integrity of the Persian empire is the friendship of the British Government." The war was brought to a successful termination almost before Parliament could be brought together again after its prorogation last year. Was it at all necessary, in the midst of an uninterrupted success, to consult the Members of that House as to what ought to be done? To have done so would have been more prejudicial than otherwise, for "*quot homines, tot sententiæ,*" and the debate in that House might have produced dissensions which would have weakened our cause. At the head of the expedition was placed a man (Sir James Outram) in whom confidence might well be reposed, and who had given ample proofs of the excellence of the choice. Every minute particular of his plan was laid down before he started on the expedition. He (Colonel Sykes) would not touch upon the policy of the war, but he would say that he entirely concurred in the propriety of a measure to prevent Persia from taking possession of Herat, which had been known for ages as the key of India. Whatever Power possessed Herat had a passage open to the purple plains of India. It, therefore, had always been our policy that there should be a kind of buffer between Affghanistan and Persia, so as to make them innocuous to each other. That policy had been established by our recent treaty with Persia. He should, therefore, vote for going into Committee as against the Motion of the hon. and learned Member for Sheffield.

MR. VERNON SMITH: Sir, the tone of this debate has been so much more of gentle remonstrance than of violent objurgation with reference to the conduct of Her Majesty's Government that I should not have thought it all necessary to rise on the present occasion if it had not been for the speech of the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole). The subject, as he says, has been very properly divided into two questions; first, the constitutional question raised by the hon. and learned Gentleman the Member for Sheffield (Mr. Roebuck), namely,—whether Her Majesty's Government were justified in going to war without having first given information to Parliament; the other question is one that regards the policy of going to war with Persia at all. Now, so far as regards the policy of going to war with Persia at all, I cannot help thinking that even my hon. and learned Friend, old as he is in Parliamentary experience, has shrunk from discussing that policy; for otherwise he would not have confined himself to presenting the mere constitutional question to the House, but would have discussed the higher question as to the policy of the war. My noble Friend the Member for the City of London (Lord John Russell) has defended Her Majesty's Government in the course they have pursued with so much ability and with so much greater weight than I could possibly hope would attach to anything that I might say, that it would, perhaps, have been needless for me to enter upon any defence myself, had not my noble Friend made one or two little omissions. As regards the conduct of Her Majesty's Government in not having called Parliament together, and consulted it on the policy of the war; I beg to state that Her Majesty's Government are most anxious to submit to the opinion of Parliament all acts which they constitutionally are bound to submit to them; but I cannot go the length of saying, with the hon. and learned Member for Sheffield, that it is the duty of any Ministry to consult Parliament before they go to war, or to consult Parliament before they make peace. At all events, I have not so read the constitution of my country, and I do not believe that any constitutional lawyer or statesman will venture to say that such are the relative positions of the legislative and executive part of our institutions. It is the duty of the executive to declare war and to make peace. It is certainly their duty as soon as possible after that declaration of war to submit to Parliament the question of the expenditure connected with that war; and upon a declaration of peace, and a ratification of that peace, to submit the treaty to Parliament. Now, let me say how Her Majesty's Government have complied with the first part of this duty. The right hon. Gentleman the Member for the University of Cambridge hardly went far enough back when he mentioned the interrogatories that were put to me. The hon. Member for Inverness-shire (Mr. Baillie), was not the first person who put a question to Her Majesty's Government as to who was to bear the expense of the war. My right hon. Friend the Member for the University of Oxford (Mr. Gladstone) put that question to me in March, 1856, after I had answered a question put to me by Mr. Layard. My answer was that it would have to be decided thereafter, and that the proportions in which it would have to be paid would depend upon whether it was an Indian war, or an Imperial war, or a mixed war—Imperial and Indian. It is evident, therefore, that the House must at that moment have anticipated that there would be something like a war with Persia. That question was again asked more distinctly, when the knowledge came to this country that the Persians had advanced upon Herat. My noble Friend (Lord John Russell) very properly says that Parliament made itself responsible by its silence on this subject. I am not responsible for the inaction of Parliament on that occasion. Nothing was said or asked for; no papers were asked for; no questions were put; no Motions were made. The right hon. Gentleman the Member for the University of Cambridge says, that a few days after I received a letter from Lord Clarendon calling upon me to send out provisional instructions as to a declaration of war against Persia, I brought forward the Indian budget, without making any statement to the effect that it was probable such a war might occur. On the contrary, I did so advisedly. There were very few hon. Members present on that occasion. I have no hope of arresting very much the attention of the House on the Indian budget, because it never has been the good fortune of any gentleman who has brought it forward to arrest the attention of more than a very small portion of the House. But it did so happen that an hon. Gentleman, not in the Present Parliament, who always took a great interest in these questions, Mr. Otway, rose and said that my speech contained warlike indications. The right hon. Gentleman the Member for the University of Cambridge is therefore in error on that part of the subject. The hon. Gentleman the Member for Inverness-shire (Mr. Baillie) says that immediately upon the provisional declaration of war going out to Bombay we ought to have called Parliament together in order to give them information of the war, and to ask them to make provision for the expense. But does the hon. Gentleman mean to say that we are bound to give the enemy information of every step we take even before we make war? I must say, I am surprised at the position assumed by the hon. Gentleman, seeing that he was, himself, Secretary of the Board of Control, under the Government of Lord Derby, the Members of whose Administration certainly held a very different opinion. In 1852 there is a letter from Lord Malmesbury, who held the office of Foreign Secretary to the then President of the Board of Control (Mr. Herries), in which he distinctly intimates that the island of Karrack ought to be occupied by our troops as secretly as possible, in order that fortifications might not be made by the Persians against the invasion. Now, Parliament was sitting at the time Lord Malmesbury wrote that despatch, and it was written on a remarkable day, and may be considered in some degree as a testamentary document, for it was written on the 15th of December, and on the 16th of December the defeat of Lord Derby's Government took place, upon which they went out. [Mr. Baillie said that Mr. Herries refused to act upon that despatch.] Yes; but it shows what opinion the Foreign Minister of Lord Derby's Government had upon the assertion that you ought not to take your enemy by surprise, and that you ought to come to Parliament and make an announcement as soon as you have sent out a provisional declaration of war. The orders of Her Majesty's Government with respect to the expedition, went out on the 26th of September, 1856, and arrived in Bombay in October; and on the 1st of November the Governor General issued his proclamation declaring war against Persia. When the right hon. Gentleman the Member for the University of Cambridge says that there is no similar instance of a Governor General declaring a war out of India, I say that the same course was followed in declaring war against Affghanistan. On the 1st of October, when Parliament was not sitting, Lord Auckland issued his Simla proclamation declaring war against Affghanistan. The right hon. Gentleman will find that the two cases run on all fours, except that in Affghanistan the war was not, although it ought to have been, followed by a Vote proposed to Parliament for bearing part of the expenses of the war. That expense ought to have been partly thrown upon Parliament, and I say that we have behaved with much greater deference to Parliament than the Ministry in office upon that and previous occasions. I thought it would be an undue stretch of power that Parliament should not have knowledge of this Anglo-Indian war, and I recommended that the expense of the war should be divided, in order that the House of Commons might have an opportunity of expressing its opinion upon the matter. Well, the Governor General declared war against Persia on the 1st of November, and on the 17th of December, 1856, the proclamation arrived in this country. Parliament then stood summoned to meet on the 3rd of February. I do not entertain the opinion that Parliament ought not to be called together before the usual period, if it be convened upon grave occasions; but there are great inconveniences in the sudden meeting of Parliament without sufficient occasion, and a hasty proclamation that Parliament was to meet before the usual period would affect not merely the Ministers and Members, but the public—it would affect the funds and commerce of the country, and ought not to be done unwisely, hastily, and unwarily. The constitutional question, therefore, is reduced to this,—whether Parliament ought to have been called upon to meet between the 17th of December and the 3rd of February, or whether my noble Friend at the head of the Government was right in leaving it to meet at the natural time. Parliament did meet on the 3rd of February, and it was the intention of Her Majesty's Government that the matter should be referred to in the Queen's Speech, and that the papers should be promised to be laid on the table. That, however, was not done, because the negotiations were resumed at Paris. Papers were not laid upon the table; and the House acquiesced in the opinion that while negotiations were pending it would be unadvisable to call upon the Government to produce despatches which might have invited discussion and prevented an amicable settlement of the differences at issue, and Parliament itself thus took upon itself the defence of Her Majesty's Ministers. The papers were produced as soon as the treaty was ratified. My noble Friend says they ought to have been produced as soon as the treaty was signed. That is a matter of minute detail, and I do not think it is a question in which Parliament will take a great interest. The papers were produced in due time; and from that time no notice was taken of the matter, and I am inclined to think that no notice would have been taken of it now even by the hon. and learned Gentleman, but for the improper course which he has pursued in connecting these transactions with recent events in India. Such an opinion is utterly unjustifiable, for there is not the slightest reason to suppose that there has been any connection between them—they have not the slightest bearing on each other. The mutiny at Delhi and the expedition to the Persian Gulf no astuteness of reasoning can connect together. On the contrary, our successes in the Persian Gulf were calculated to put an end to any tendency to mutiny, and disorder, if any had existed, either in Bengal or elsewhere. As regards the Persian war itself, it must not be supposed that Her Majesty's Government undertook it lightly. My noble Friend (Lord J. Russell) says we went to war too soon. But the whole conduct of the Persian Government to us was one series of aggression and insult. I will not enter into the detail of these differences, but of late years the Persian Government has always been dealing with us in a manner that required notice, if it were not so insolent as to require redress. There has not been a single Minister sent from this country of late years whom Persia has not insulted. The Persian Minister, in a statement he prepared for the perusal of Europe, said that Colonel Sheil's conduct was harsh and barbarous, that his predecessors, Mr. McNeil, and Mr. Thompson, were as bad, and that Mr. Murray was worst of all. There is not one of our Ministers that Persia has not quarrelled with and insulted. My noble Friend, who says we went to war with Persia too soon, cannot, I think, have read the blue-book, the first half of which is entirely occupied by negotiations in which Her Majesty's Government sought every means to avoid war, and it was not until Herat was taken that war was declared. My noble Friend does not perhaps recollect that in 1854, when he was himself in office, and when the right hon. Baronet the Member for Carlisle (Sir James Graham) and the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) were in office with him, the same stereotyped course was followed, and the Government desired the island of Karrack to be seized. [Mr. GLADSTONE dissented.] I have the letter in my hand. It is not in the blue-book. It is dated January 9, 1854; but, if the right hon.

Gentleman does not wish me to read it, I will not do so: but I will leave it to the right hon. Gentleman's recollection whether, in January, 1854, an expedition was not ordered to take possession of the island of Karrack, in the same manner as had been done in the present instance. From 1830, when Sir. J. M'Neil struck his flag, to the dispute with Mr. Murray, in 1857, there was always the same menace of the seizure of the island of Karrack and Bushire. We extended the expedition to the occupation of Mohammerah. I am surprized to hear, for the first time, the opinion expressed by the hon. Gentleman (Mr. Baillie), who said the best course would have been to give up Herat to Persia, for that nothing would please her so much. Very likely; and there are other Powers, much more powerful and important, which would be delighted to see Herat given to Persia. That would be an easy solution of the question; but I affirm, and no Indian authority will question, that Herat ought to be in the possession of an Affghan chief, chosen by the Heratees themselves. My own belief is, that our best defence on that frontier is, that Affghanistan should be in the possession of its several tribes: and it would be the height of impolicy to allow Persia to gain a footing there. I do not think very highly of the power of Persia; but if the power of Persia extends to Herat, that city will be more or less in the hands of Russia. I do not feel any excessive alarm about Russia either, and I rather believe, with the noble Lord the Member for Norwich (Viscount Bury), that too much has been said on this subject; but we cannot disguise from ourselves that Russia has shown an intention of contemplating an attack upon India by way of Affghanistan. But that is not my opinion alone. It is the opinion of Sir John M'Neil, deliberately given, that Herat is the gate to India, and that it is through Herat alone that any formidable invasion of India can take place, and that the first step of any invading Power must be the seizure of Affghanistan. I therefore maintain that we ought always to look with considerable jealousy upon the occupation of that city by any other Power. If Persia, for instance, were to retain possession of it, what would be the consequence? Why, the diminution, if not the total destruction, of our glory in the East. The point is one which, for a considerable length of time, has been held to be of the highest importance. Do you not imagine, then, that to yield Herat up to Persia, and through her to Russia, would be deemed by those possessing the quickness by which the inhabitants of Eastern nations are characterized as the result of inability upon our part to prevent such an occurrence? Yes, they would immediately come to the conclusion that you had abandoned it from cowardice, and I think the House will agree with me in thinking that it is by no means desirable that such an impression should be produced. But, to pass from that point, I may observe that the hon. Member for Inverness-shire (Mr. Baillie) is the only person who has this evening entered into the question of how a peace with Persia might have been more rapidly concluded. He pins his faith upon the movements of Ferukh Khan, and contends that we ought to have made peace upon his arrival at Constantinople. The hon. Member must, however, bear in mind that there was strong reason to suppose that Ferukh Khan, when at Constantinople, was not in possession of full powers to treat, and that he signed no written declaration in answer to the demand which was made by Lord Stratford de Redcliffe as to his intentions. That noble Lord was prepared to go further than he did, if Ferukh Khan had verified his powers, and if he had not demanded that the Persian expedition should be withdrawn at the moment when Sir James Outram had arrived in the vicinity of Bushire. Now, when Ferukh Khan reached Paris, he did verify his powers, and we had the advantage of the assistance of a most able Company's servant—I mean Captain Lynch, who, owing to his great powers of conciliation, was mainly instrumental, under the guidance of Lord Cowley, in bringing about the treaty into which we have entered. That, I maintain is a very good treaty, and I deny that one of an equally advantageous character could have been obtained at Constantinople. The hon. Member for Inverness-shire has also alluded to the demand for the dismissal of Sadr Azim, as a *sine quâ non*, and has observed that we receded from that demand at the solicitation of the Shah. Well, it is true that we did give up that point; but I deny that it was a *sine quâ non*—the *sine quâ non* was the evacuation of Herat. We were right in making the demand in the first instance, and we receded from it at the solicitation of the Shah; and I think the House will be of opinion that, in doing so, we took that course which it was most desirable to adopt. The hon. Gentleman asks in what position with respect to Persia do we now stand? My answer to that question is, that our position is a very good one. All parties are satisfied with the arrangements which have been made, and I confidently entertain the hope that Persia will come to the conclusion that in this country, and not in Russia, she will find her most natural ally. I believe Persia has much more to fear from Russia than from England; and Persia would do well to place her reliance on us. We can attack her only from the south, while Russia can march against her from the shores of the Caspian; and an adherence to us would therefore, in my opinion, be the best policy which she could adopt. My noble Friend the Member for London says we entered into this war too soon; but that is a statement in the justice of which I, for one, cannot concur—inasmuch as it was quite evident that delay was the object of Persia, and that she had no intention of entering seriously into negotiations. The preliminary negotiations were mere oriental rigmarole, and there was no serious intention of offering redress until the war was actually entered upon. I should be the last man in the world to maintain that our policy towards Eastern, should be different from that which in the case of European nations we pursue. On the contrary, I am of opinion that we should, in dealing with the former, exercise a stricter supervision over our acts than in the case of the latter would be necessary. The inhabitants of the East are comparatively false and ignorant, and our conduct in their regard should be proportionately modified by truth and knowledge. But while I entertain that sentiment, I am prepared to contend, that when you come into contact with a people so situated you must exhibit, with respect to them, a greater degree of vigour and firmness than in your proceedings in reference to more polished nations you would be called upon to exercise. By the inhabitants of the East conciliation is looked upon as cowardice; the calm clemency of conscious power is construed into timidity. The hon. and learned Gentleman the Member for Sheffield (Mr. Roebuck) has, indeed, observed that it is the policy of England to trample upon the weak and to yield to the strong. I shall not enter further into that question than to remark that if we had acted towards one of those Eastern nations as we acted towards America, in not sending away Mr. Dallas when our Minister was dismissed from that country, our conduct would have been attributed to the influence of poltroonery, instead of to the dictates of a spirit of magnanimity, as it was felt to be by the people of the United States, such as the mighty and nobler country could alone afford to pursue. I may now say a word or two with regard to the question of the expense of the war. It has been observed that several different statements have been made upon that subject. I must remark that the estimate could only be an approximate calculation, and not a minute statement of expenditure. I am, however, happy to be enabled to inform the House that the expense attendant upon the prosecution of this war is likely to be rather less than the calculations which have been made would seem to indicate. At the end of the papers which were presented to the House this evening, it is stated that the Indian Government found it to be impossible to arrive at an accurate estimate at once of those expenses which had been incurred; but, as a larger number of troops have been despatched from the Persian Gulf than was anticipated at the time when the Estimates were drawn up, when it was supposed that they would remain there until the evacuation of Herat had taken place, and as the European troops have all been sent to Bombay, and as the cavalry under General Jacob is about to proceed to India, already there is every reason to suppose that the expenses of the war will be less than was originally contemplated. Now, as it has been intimated that this Motion is not likely to be pressed to a division, I shall abstain from entering so fully into details as I might under other circumstances have deemed it desirable to do. I have, I may add, felt so much anxiety since the intelligence of the recent occurrences in India has reached this country that I have not had time, to use the language of my right hon. Friend the Member for Carlisle, "to potter over blue books." I can only say I am no advocate of war, and think the policy of England ought to be to settle her disputes with other nations by means of negotiation rather than by a resort to arms. My great ambition has been since I entered upon the discharge of the duties of the office which the good opinion of my noble Friend at the head of the Government rather than any merits of my own has called upon me to fill, to contribute, as far as lay in my power, to the diminution of the deficiencies in revenue and the improvement of the moral and social condition of the people of India. But, while such are my sentiments, I contend that the war with Persia was one into which it was necessary to embark for the protection of our Indian empire. It was my belief that that empire would be open to invasion if the Czar of Russia was allowed to possess himself of Herat with the paw of Persia; and, believing that to be the case, I deemed it to be my duty to forego that peace, and that prosperity the result of peace, to which I had with so much pleasure looked forward. In this contest the Indian army has distinguished itself in the most eminent degree, and the glory it has achieved in the Persian Gulf will long be remembered in the East. Long will the rapidity with which the Persian expedition was fitted out be sung in story on those shores. Long will the inhabitants of India bear in mind the gallantry with which the work which it had to execute has been performed. When Persia is again disposed to offer us an insult, she will pause before she does so, when she reflects upon the renown of those few gallant soldiers whom her own thousands were unable to resist. She will call to mind the victories which General Outram has achieved, and the bravery which upon the part of the youngest lieutenants in the service has been so conspicuously displayed. The result of these victories and of that bravery will, I trust, be beneficial to the country; and I have, in conclusion, simply to express a hope that the explanation which I have just given is satisfactory to the right hon. Gentleman opposite and to the House. I can only add, that the course which has been pursued by Her Majesty's Government, in reference to this war, was entered upon without the slightest intention on their part of acting in derogation of the authority of Parliament, and in the confident supposition that they were not exceeding those powers which by the principles of the constitution belong to the Executive.

Mr. GLADSTONE: The question which has been submitted to us to-night by the hon. and learned Member for Sheffield is, in my mind, one of extraordinary gravity and interest. I am not disposed to exclude from the view which I take of this question the verdict which I admit has recently been given by the constituencies of this country with reference to the Administration of the noble Lord at the head of the Government. On the contrary, I feel that he is entitled to urge before this House that the acts for which he is now arraigned were acts which took place during the existence of the last Parliament. and which, therefore, must be presumed to have been under the review of the people of England at the time when the late Parliament was dissolved. I, however, for one, am thoroughly convinced, even in the middle of the nineteenth century, when, as it appears to me, the principle of constitutional liberty has greatly retrograded, of the value of the privilege of this House, and of its control over the Government through the medium of the finances. Not only is that privilege of importance, but it is of such overwhelming importance that without it, in my humble judgment, we have no guarantee for the liberty, the glory, nay, for the very safety of this country. I must frankly say that, as far as my feeble judgment is concerned, I take an unfavourable view of the policy of the Persian war. I am sceptical as to the doctrine laid down and so dogmatically pronounced by the right hon. Gentleman the Secretary for the Board of Control; I am sceptical as to the enormous, the world-wide importance which has been attached to the possession of the city of Herat. Recollecting what the position of Persia is, recollecting that that empire is heir to the most ancient traditions of the world, I am not surprised that she should be disposed to urge doubtful claims of supremacy over neighbouring territories. I think it easy, therefore, to find another explanation for these claims with respect to sovereignty over Herat, than that which has filled Her Majesty's Government with so much alarm, when they refer them to intrigues against our Indian Empire, whether on the part of Russia or Persia. I cannot express how much I regret portions of the language which has to-night been used by Members of the Government; and I trust—I confidently trust—that the noble Lord at the head of the Government when he rises to speak will do something to qualify that language. Surely it is not wise for a Member of the Government to rise in his place and maintain that which really is not true, and which, even if it were true, it would be unwise thus to assert, that Persia is a vassal kingdom of Russia. It is not wise, I say, to proclaim that the object of Russia is the destruction of our Indian Empire by encroachment through Affghanistan. It is not by modes like these, if I have the least understanding of the act of right Government that that power is to be maintained and consolidated. The power of England is great—I at least think it is so great, and so firmly based, that we have nothing to fear as long as we exercise that power with moderation and justice. But if, on the other hand, we allow ourselves to become the dupes and victims of vain chimeras—if, by putting the worst construction on every act of those we may suspect, we encourage extravagant theories—if we raise imaginary dangers, those dangers, from being imaginary, may become real, and may assume gigantic dimensions; and then, indeed, the difficulties and dangers created by our own folly may be such as may exhaust the almost inexhaustible resources of this country. Let me, however, come to the question which is now individually before the House. The hon. and learned Member for Sheffield has proposed two Resolutions, in the first of which he recites certain acts which are not denied, and in the second of which he states that the conduct which is described in the first deserves the strong reprehension of this House. Now, the hon. and learned Gentleman in the course of his speech, and other hon. Gentlemen who have taken part in this debate, have mingled with the constitutional question, to which alone the Motion relates, other subjects of the greatest importance. The hon. and learned Gentleman sees an immediate connection between the deplorable events which have recently occurred in India and the policy pursued by the Government in China and elsewhere. Such a connection may be in some degree presumable, but whether presumable or not, it forms no part of the question now before the House, and I do not think that we can be called upon to affirm the Resolution now under discussion upon entirely extraneous grounds. Again, with regard to the policy of the Persian war, that is a subject of vital importance, but at the same time it is not embraced in the terms of the Motion of the hon. and learned Gentleman. I should have been content, therefore, not to touch upon that subject, but, as that policy has in the course of this debate been assailed by some hon. Gentlemen and vindicated by others, and as it has taken a prominent place in the discussion, I must venture to record respectfully, but determinedly my disapproval of the course which has been pursued by Her Majesty's Government. I do not believe in the necessity of proceeding to such extremities. I do not think that their views were sound as to the importance to be attached to the possession of Herat; but at the same time I am willing to admit, that they did not act upon any novel idea of their own, but that they only gave effect to a theory which may, in a greater or less degree, be regarded as traditional to this country. I cannot follow the right hon. Gentleman (Mr. Vernon Smith) into the peculiar defence which he has made with regard to the proceedings connected with the commencement and termination of the war, but the facts before us are simple and broad enough. It stands upon record, and I think is beyond all doubt or question, that we have made peace in the month of March upon terms decidedly less favourable to us and less unfavourable to Persia than those which Persia herself offered some time before. Now, the right hon. Gentleman has made the anxiety which he feels in connection with present events in India—events which I deeply deplore—an excuse for his imperfect recollection. [Mr. VERNON SMITH: No.] Well, the modesty of the right hon. Gentleman modifies my statement, and I will not enter into a discussion upon that point, but I wish the House to understand—and it is a most material feature in the case—that the right hon. Gentleman, whether from the pressure of present anxiety or from some other cause, has not given an accurate representation of the state of the case on a most vital point. What, I ask, were the objects for which we went to war? What did we propose, and what was it the refusal of which rendered necessary an appeal to arms? What is it we have gained by making peace that we could not have gained without resorting to the last extremity? These questions do not admit of any answer, because, as the case stands, we went to war for objects which were withdrawn, and which it was not considered expedient to pursue when we came to negotiations for peace. The right hon. Gentleman has stated that the dismissal of the Persian Minister was not a *sine quâ non* in the negotiations before the war. [Mr. VERNON SMITH: No.] I hope I do not misrepresent the right hon. Gentleman, but I am in the recollection of the House, and I think that he stated, that the dismissal of the Persian Minister was asked for, but that it was not made a *sine quâ non*. Now, I might quote many sentences from the blue-book in refutation of a statement thus lightly made, but I shall content myself with referring to one from which I find that in December, 1856, not only was an *ultimatum* hung over the head of Persia, but that Lord Stratford de Redcliffe, who in vain manifested his reluctance to proceed in the matter, was directed by the Earl of Clarendon to insist on the dismissal of the Persian Minister. Lord Clarendon, in a despatch dated December 16, 1856, thus writes to Lord Stratford de Redcliffe:—

> "Nothing will be added to the present *utimatum* provided that its conditions are complied with, but delay will give rise to more stringent demands. The ambassador's request that our expedition to Persia may be delayed cannot be listened to. We must insist upon the dismissal of the Sadr Azim."

That, Sir, is the despatch of the 16th of December. Then, says the right hon. Gentleman, it was Ferukh Khan who broke off the negotiations. They were proceeding, but he, after having in many ways given grounds for suspicion of the *bona fides* of his acts, took advantage of the commencement of hostilities to desist from pursuing his diplomatic communications with Lord Stratford de Redcliffe. Turn to page 223 of the blue-book, and observe what Lord Stratford de Redcliffe says upon the receiving the lines of the 16th of December, which I have just read:—

> "On the receipt of your Lordship's instructions of the 16th inst., I could not fail to perceive that my communications with Ferukh Khan had reached their final term."

"On receipt of your instructions of the 16th of December." What instructions? Those which I have just read containing the remarkable words, "We must insist upon the dismissal of the Sadr Azim." But who was it that urged the breaking out of hostilities—I don't say unfairly or unwisely urged it—as a reason for waiving the prosecution of the negotiations? Not Ferukh Khan, but Lord Stratford de Redcliffe, for after saying that his functions were virtually brought to a close by the receipt of the instructions of the 16th of December, he continues—

> "This conclusion was the more evident, as the latest newspapers received from India had published the Governor General's formal declaration of hostilities against Persia, issued on the 1st of November, under instructions from Her Majesty's Government."

As far as the information conveyed to us in this book throws light upon the history of this singular case, it appears that in the month of May, 1856, certain terms were placed in the hands of Lord Stratford de Redcliffe as necessary to be conceded by Persia, and that with the exception of the stipulation with regard to Sadr Azim Khan, which was ultimately withdrawn by Lord Stratford on his own responsibility, these terms had been accepted by Ferukh Khan at the period when we broke off the negotiations. They were broken off because, instead of adhering to our stipulations of the month of May, we had at the close of the year framed a new document by way of *ultimatum*, containing six heads, which it is not necessary to mention in detail, but several of which were entirely novel as being beyond the purview of the terms required in the month of May. The state of facts upon which the negotiations with Feruk Khan were broken off were, that he had then conceded more than we had now obtained, because not only had he promised the evacuation of Herat, but he had conceded the principle of compensation to the people of that town for whatever injury they might have suffered from the Persian invasion. The negotiations were broken off, war was made, and no sooner had the war commenced than, owing to some happy change of counsels, with the result of which I am too well satisfied to be careful in investigating its cause, an entire change took place in the views of Her Majesty's Government with respect to the conditions necessary to be obtained from Persia, and a treaty was concluded in March which might with greater facility have been concluded in the preceding month of November. So much, Sir, for the Persian war, with respect to which I won't enter further into details which might trouble the House and occupy its time at too great length. But, then, there remains the constitutional question; and here, so far as I understand the case, the facts alleged by the Motion of the hon. and learned Gentleman have not been disputed. My right hon. Friend the Chancellor of the Exchequer adverted to certain precedents. He sought, and not unnaturally sought, to find in the previous passages of our Indian history cover and authority for the recent proceedings. Now it appears to me, that if cover and authority adequate to the justification of the recent proceedings could be extracted from that history, the plea might greatly avail towards the excuse of Her Majesty's Government; but instead of showing that the system was sound and safe, it ought rather the more to waken our jealousies and to render us alive to the fact that we have erected in India a vast and powerful machinery of government, armed with and supported by a splendid army, and that the liberties of this country and of its Parliament are, indeed, greatly curtailed, if we are to be told that, although war cannot be made with the Queen's army except under the immediate sanction of Parliament, yet that whatever can be done by the Minister, through the medium of the Indian army, of Indian finance, and of the Indian Executive, may be begun, continued, and concluded without the assent, either express or implied, of this House. Why, Sir, no doubt there has been a practice, and it has been an absolute necessity of our Indian empire, that powers of war and peace should be exercised by the Company under the control of the Government, and with reference to purposes strictly Indian. In a country enclosing, as British India does, the territories of many native Sovereigns with whom we have constant relations and numerous points of contact and irritation, it would no doubt be absurd, when by our Acts of Parliament we have established for Indian purposes a principle of government separate from a Parliamentary system, to say that that Government, with reference to every Indian purpose of peace and war, should be subject to the immediate and direct control of the House of Commons. But is there any fair or candid man who will tell me that the war which has been waged against Persia is in any proper sense an Indian war? On the contrary, is it not plain that this important question is one of that great group or family of questions which relate to the position of Russia in the East? The relation between them is not to be denied. It is not a mere local war. Persia is not a frontier Power; you go beyond your own borders; you travel to a great distance from them with your Indian forces, and the purpose for which you do so, whether rightly or wrongly, is not an Indian purpose in a narrow, local, and municipal sense. It is, without doubt, a portion of the purpose and the policy upon which you act in the conduct of your relations with foreign States. Therefore, I entirely protest against the doctrine that such a war as this which has been waged against Persia ought to be considered a war exempt from the control of Parliament. If I had any doubt upon the question that doubt would at once be removed when I find that in the month of October last communications passed between the Government of Her Majesty and the East India Company, which recognized in the most direct and unquestionable form this fact—that the Persian war was a matter of British, and not merely of Indian consideration. I guard myself against being supposed to admit that every war which you carry on at the expense of the East India Company is a merely Indian war in the sense of having a claim to be exempt from the control of Parliament; but the converse I most confidently assert—viz., that when you yourselves have admitted by your own acts that the war you are about to wage is not an Indian war, when it is to be paid for either in whole or in part out of the English Treasury, in consequence of a Vote of the House of Commons, you then clearly pass that line which divides the doubtful ground from that which is the subject of no manner of doubt, and you bring that war just as much within the jurisdiction of Parliament as if it were a war waged upon the soil of the Crimea or upon the soil of France. Now, Sir, the question is, what course are we to take? We have at present nothing to do with the second Resolution of the hon. and learned Gentleman. The question which you have put from the chair relates simply to a recital of facts, and I apprehend that the matter substantially before us is this:—Do we consider that the case which has arisen is one which demands Parliamentary notice, or can we afford altogether to pass it by? I will frankly own to the House in a few words the state of my own mind. I think that as regards the derogation of the privileges of the British House of Commons which has taken place words of decisive censure might be justified. At the same time, adverting to the fact, which I regard as material in the case, that these circumstances occurred prior to the dissolution, I may, for my own part, be willing to waive the pressing home of that point, provided only I can secure that the liberties and privileges of the House of Commons shall be guaranteed against the formidable dangers which are involved in the precedent which has been set. Upon that matter I confess I entertain the greatest anxiety. I came to the House to-night with the hope that Her Majesty's Government might have been disposed to rest their vindication rather upon the specialities of the case, which made it difficult for them, we will suppose, to obtain the opinion of Parliament, rather than upon the broad assertion of the principle that, without reference to circumstances of extenuation or circumstances of difficulty, the course which they have pursued can be vindicated upon its own merits, and involves nothing that tends to disparage the dignity or to endanger the prerogatives of the House of Commons. To my mind it seems so clear as to be beyond argument that that dignity is disparaged—that those liberties are endangered by the making of war at the charge, in whole or in part, of the British Exchequer, at the uncontrolled discretion of the Ministers of the hour; without the observance of that great security which we always have that the charges of these wars and the preparation of the force necessary for conducting them should be submitted to our free judgment, not after the fact, when everything is in the past, and when no question remains except that of pronouncing our opinion upon the conduct of the Government, but before the fact, when the operations have not yet been undertaken, and when the policy about to be pursued may fall within our view, and may be dealt with according to our independent judgment. Therefore, while I am not at all convinced of the necessity of recording our censure upon the Government, I must yet frankly own that I think it would be inconsistent with the character of this House—if I may presume to give my opinion of what its character requires—and inconsistent, also, with that jealousy with which this House has always held it to be its first duty to watch the preservation of the liberties won for it by so many generations of glorious predecessors, were we to permit these circumstances to pass without notice, and to remain as matters of indifference, wholly unworthy the vote of this Assembly, either by way of censure of the past or of security for the future. I, for one, should have been satisfied had the declarations of the Government amounted to this:—"While defending our own motives and proceedings, we grant that there is danger to the public weal in this precedent, unless it is strictly noted and marked out as a matter not to be extended or even followed, but as requiring special justification, and in the absence of such justification to be condemned." Had they given us this door of escape, I should have thought it expedient to leave the case where it is, and should have advised the hon. and learned Gentleman to withdraw his Motion. But if we are told—as I think up to the present stage of the debate we have been told—that everything has been right, that the course of regular precedent has been observed, that the Government have not stretched the discretion of the Executive, have not impaired the rights of the popular branch of the Legislature; if that ground is taken, then, reserving my own freedom as to the second Resolution of the hon. and learned Gentleman, and as to the terms in which it may be proper to characterize these transactions, I, for one, whether few or many agree with me, cannot, by negativing this Motion, affirm a principle so detrimental to liberty and to the English character as this, that the House of Commons is willing to see the produce of the taxes of the people, which it is our exclusive right to vote, disposed of in the East for the purposes of a warlike policy, at the discretion of the Minister of the Crown, and without the knowledge, assent, or control of the representatives of the British nation.

VISCOUNT PALMERSTON: Sir, I cannot approve either the constitutional doctrine or the constitutional conduct of the hon. and learned Gentleman who has moved these Resolutions. If I understand the doctrine which he has endeavoured to lay down, it is this—that the Crown has no right either to make war or to make peace without previous communication with, and without the previous concurrence of, Parliament. Now, Sir, I deny that that doctrine is any part of the British constitution. I contend, on the contrary, that our constitution wisely and properly vests in the Crown the prerogative and the discretion of declaring war and of making peace, with this reserve, however, which I readily admit, that when the advisers of the Sovereign have deemed it their duty to counsel the Crown either to engage in or to put an end to war, it is incumbent on them to lay before Parliament, if it is sitting, the grounds upon which the one course or the other has been adopted; or, if Parliament is not sitting, when the interests of the country are deemed to be such as to require recourse to be had to war, I frankly and freely admit it to be their duty to take the earliest opportunity of calling Parliament together in order to submit to it their reasons for resorting to hostilities. I should be the last man to deny that general proposition. I maintain, however, that in the case to which the Motion alludes, there were circumstances which rendered it a special case, and excepted it for the moment from the application of that general rule. And here I must observe, that there is a wide distinction between the doctrine of the hon. and learned Gentleman (Mr. Roebuck) and the doctrine of the right hon. Member for Oxford University (Mr. Gladstone). The hon. and learned Gentleman declared, if I understood him, that when a war is undertaken in which the co-operation of this House is not required, and of which no part of the expense has to be paid out of the revenues of this country, the matter is one with which Parliament has no particular ground to interfere; whereas the right hon. Gentleman holds that even in the case of an Indian war, confined within the peculiar limits of Indian operations, and in respect of which no charge would be thrown on this country, the principle to which I have adverted would apply. I leave it to the hon. and learned Member and the right hon. Gentleman behind him to settle between them which of those conflicting doctrines they would wish the House to adopt. With regard to this particular case itself, I freely admit that it does involve a question which Parliament is well entitled to have explained to them, and which, if left open to any interpretation that might be put upon it, would perhaps be turned into a precedent which might be attended with injurious consequences in future. But the right hon. Gentleman who spoke last—who cannot, I think, have been present in the course of this evening—is quite mistaken in saying that no explanation has been given by any Member of the Government of the peculiar circumstances which make this case an exception to the general rule. My right hon. Friends the Chancellor of the Exchequer and the President of the Board of Control have both stated in great detail the reasons why Her Majesty's Government thought this an instance in which the immediate convocation of Parliament was not required. Some have contended that Parliament ought to have been called together when the first order was sent to Bombay for the preparation of a force to be ready in case it should be wanted. The answer given to that by my right hon. Friend appears to me quite conclusive. It would have been the height of absurdity to proclaim through Parliament to the world that we were making preparations which in a certain event would be carried into effect, with a view of either preventing or repressing a wrong which the Government of Persia might have in contemplation. Then it is said Parliament should have been summoned later in September, when the order was forwarded to the Governor General to send the expedition. But even then such a step would have been premature, because it was impossible for the Government to know whether circumstances might not occur in India which would prevent the Governor General from immediately acting on the orders so communicated to him. The earliest moment at which it would have been right to call Parliament together with the view of stating to them the course of proceeding with regard to Persia was the 16th of December, when it is acknowledged that the declaration of war was actually issued. Parliament then stood summoned for the 3rd of February. The Christmas holidays were approaching, and the earliest period at which it could have assembled would have been the first or second week in January. Therefore the only *laches*, if *laches* it was, would refer to the short interval between the middle of January and the 3rd of February, on which day Parliament met. If the war had been one with a European Power, involving great and serious consequences, and likely to require the immediate cooperation of this House, I admit that even that brief delay ought to have been avoided. But, considering the remoteness of the scene of action—considering that no immediate requisition was necessary to be made to Parliament for the purposes of the war, we thought it would be attaching more importance to the matter than it intrinsically deserved to anticipate the period for which Parliament stood convoked, and to issue a proclamation calling it together a fortnight sooner for the purpose of announcing to it that operations were going on in Persia. But we did in the Speech from the Throne at the opening of the Session communicate to the Legislature the fact of these disputes with the Shah, as well as the naval and military operations which had taken place. Why, Sir, where was the hon. and learned Member for Sheffield then? Where was his constitutional jealousy—where was the right hon. Member for the University of Oxford—where was the right hon. Member for the University of Cambridge—where were those constitutional champions? Silent as the grave! Where was the vote of censure—where the reprobation which the hon. and learned Gentleman wishes now to call down upon us from this House? There are some things, Sir, which are said, like the oak, to require a long time to attain to maturity; but when they do attain to maturity, their strength, vigour, and substance, are proportioned to the length of time they take to develope. So it is with the indignation of the hon. and learned Gentleman. He might have risen with boiling blood on the first or second day of the Session, and said, "Why, here you have got us into a war with Persia, and you did not call Parliament together a fortnight ago. I will call the attention of the House to the circumstances, and move a vote of censure upon you." He might have recorded, in a Resolution couched in the mild and gentle terms for which he is so distinguished, the sense of the House upon this flagrant violation of its privileges. But he has thought well on the matter, he has brooded over his indignation from February to July, and he comes forth now, not with a vote of censure, but with a vote of reprobation, the strength of his Resolution having increased in a degree proportionate with the time that it has been suspended and with the heat of the weather which has intervened. But, Sir, if I know anything of constitutional principles, I think that the country will not applaud him much for his constitutional conduct; and the delay which he has permitted to elapse between the original wrong and the moment chosen for redress, shows that he is not a very safe and ready champion of the constitutional privileges of England. But what is the moment which the hon. and learned Gentleman has selected for his Motion? He has waited until the feelings and anxieties of the country have been roused and agonized by the accounts received from India; he has waited till the time when he thinks that the Government are engaged with all their mind and all their thoughts in providing for the difficulties of the moment; and then he has not even given to the House that notice of his Motion which it is usual for hon. Members to give when they are about to propose any measure which they consider to be of great importance. No, Sir, the hon. and learned Gentleman suddenly bethought himself at six o'clock yesterday afternoon, that he would draw the attention of the House to the illdoings of the Government at the end of last year, and he gave notice then of what he was going to do at five o'clock this afternoon. I say that that also was a departure from the ordinary custom of Parliament, because, if he proposed to call the attention of the House to a matter of great importance, it was due to the Members of the House—I do not talk of the Government, because, of course, we are ready at all times; but it was due to the House, and especially to the new Members of the House, that he should have given them an opportunity of reperusing the papers on the subject, which had probably been laid aside by everybody, thinking that the matter had gone by. The hon. and learned Member did not do that, and I think that in omitting to observe that practice, he failed somewhat in proper respect to the Members of the House. I come now to those who have contended that the only question before us is the course which the Government have pursued. That is, no doubt, the main point of the Resolution—of the reprobation which the hon. and learned Gentleman wishes to call down on the Government. But the hon. and learned Gentleman has mixed up other topics with his speech. He has been pleased to say, that he does not much anticipate the success of his Motion, because the Government and the person who is at the head of it have acquired—unduly, as he thinks, and why, he cannot imagine—the general confidence of the country. Sir, I can tell the hon. and learned Gentleman one thing, which has given us the confidence of the country. His Resolutions, his votes of censure; and I am very sure that the Resolution which he now proposes will not have any greater effect in shaking the confidence which the country has in the Government than that celebrated Resolution which led to so signal an exhibition of popular and national feeling upon a recent occasion. The hon. and learned Gentleman was interrupted during his speech when he was anticipating the possibility of the overthrow of our power in India by a cry of "No!" from hon. Gentlemen on the other side. "Aye," he said, "those are British noes." Sir, I wish that I could say that the hon. and learned Gentleman's speeches and resolutions were British speeches and British resolutions; but it is because the country has felt that the spirit which animates the hon. and learned Gentleman in these matters is not a British spirit, and that his thoughts and feelings are not the thoughts and feelings of the people of England, that his votes of censure have recoiled upon himself and upon those who have been found ready to support him. Many hon. Gentlemen have made light of the causes of the war that we entered into with Persia, and I am surprised at the language which some Gentlemen have held upon the subject. Were we the only Government that attached importance to Herat as a position the independence of which from Persian authority was essential to English security? Why, every successive Government for a length of time has held the same opinion—the Government of the Earl of Derby, the Government of the Earl of Aberdeen, the Government of Viscount Melbourne did so; in fact, there is no Government of late years that has not felt that Herat in the possession of Persia was a great additional danger to our Indian empire. Then the right hon. Gentleman the Member for the University of Oxford has deprecated the allusions which have been made in the course of the debate to Russia, as instigating Persian aggression in the direction of our Indian frontier. Well, but is that a matter of opinion or of inference? Does not he recollect that on a former occasion, when a Persian army besieged Herat, and was only prevented from taking it—first by the heroic defence which was made by Major Eldred Pottinger, the gallant British officer who directed that defence; and afterwards by our entrance into Affghanistan—does he not recollect that the person who conducted that siege was a Russian general, General Simonitch, and that another Russian agent, Lieutenant Vicowitch, was sent on a mission to Cabul and Candahar, to organize a combination against the British power in India? We wish to be on the best terms with Russia. The war is over, and I trust that the animosity arising from that war will be effaced from the minds alike of Englishmen and of Russians; but it is one thing to wish to encourage friendly relations with a foreign Power—it is one thing to forget the asperities of war—it is another thing to blind yourself to the great and important interests of your country. If there were no Russia on one side of Persia, and no British India on the other, it would be a matter of the most perfect indifference to us whether Persia occupied Herat, or Herat were an independent State; but knowing that Herat is a great fortress, which leads by Candahar and Cabul to India; knowing that Persia, a weak Power, stands next door to Russia, a greater Power; knowing that the possession of Herat by Persia would facilitate its occupation at any time by Russia, whenever the political relations between Russia and England should lead Russia to contemplate an invasion of British India; knowing that the existence of Russian Power in Herat would so shake that public opinion in the East on which our authority so much depends; knowing all that, I say that any Government which shut its eyes to that danger, and which tamely permitted Persia to get possession of Herat would be guilty of great neglect, or of an utter disregard to the interests of the country. Then, admitting that, it was said that we might have obtained the evacuation of Herat by means of negotiation. I say that the course of events proves the contrary. When the Shah issued a proclamation annexing Herat to the Persian territory, when he boasted openly that he would take it and keep it, and that nothing should induce him ever to surrender it, I say that negotiation had failed to accomplish the evacuation, and that it was necessary to resort to force. Then it was said, "Your negotiations at Constantinople might have come to a successful issue if you had been content with the terms which Ferukh Khan was prepared to agree to." But in the first place Ferukh Khan never signed those terms in a manner to bind his Government to anything which he consented to adopt; and in the next place he made it a condition that we should suspend the expedition that was going forward. Hon. Gentlemen have said, and I think my noble Friend fell into the same mistake, "You made war because Ferukh Khan would not agree to the dismissal of the Sadr Azim." That assertion, however, assumes a totally different condition of things between the two parties from that which existed. If the declaration of war and the order to send the expedition had not been made before Ferukh Khan's negotiations at Constantinople had commenced, if the question of peace and war had depended upon the issue of those negotiations, and if, on account of his not agreeing to the whole of the terms which we proposed, we had sent the order to Bombay for the troops to proceed to Herat, then I admit that it might be urged that war or peace depended on the acceptance or refusal by Ferukh Khan of the conditions; but that order had been sent before, and it was the knowledge that Ferukh Khan acquired at Constantinople of the declaration of war by the Governor General, and of that which had taken place, which made him break off the negotiations; because he said, "It is now no use to go on negotiating; you have declared war, and it is for my Government to say whether the altered state of things does not render all that has passed of no value." Therefore it is a total misrepresentation of the facts to say that peace or war depended on the acceptance or refusal by Ferukh Khan of the conditions offered to him. Undoubtedly, if he had stated that he had full powers, then the treaty of peace would have been signed at Constantinople instead of at Paris; but war would equally have taken place before that treaty was signed, because the war took place before the negotiations with Ferukh Khan came to an end. But we are taxed with having made a worse treaty of peace at Paris than we might have made at Constantinople; and why? Because we relaxed certain conditions, which we found on communication were likely to be peculiarly painful to the Shah. Thus, at one time we are accused with being too exacting in our terms and too harsh in our conduct to the weaker Powers, and at another time we are reproached with making concessions to soothe the feelings and save the pride of a weaker Power, with whom we wish to be on friendly terms. I say that those who contend that we ought to be friendly towards Persia, and that the alliance and friendship of Persia is of value to England, ought to approve of our conduct in waiving terms not essential to our perfect security—terms which we were perfectly justified in demanding in the outset, but which were not absolutely necessary, and were at the same time grating to the feelings of that Power we were desirous of making our friend by a treaty of peace. I repeat that we ought to be praised rather than censured for making such concessions. The hon. and learned Gentleman has now found out that this Persian war is one of the causes of the calamities which have broken out in India. Why, I say the very contrary is the truth. In the first place, no man in his senses can maintain that the mere detachment of 5000 men from Bombay could at all weaken the British military power in the presidency of Bengal and the North Western Provinces, where those troops were not. But if it be true, as I think it is, that the power of England in Asia depends upon opinion, what, I ask, would have been the effect on opinion in the East if it should have been seen that England, after making great efforts in 1838 to prevent Persia acquiring Herat—after having, under successive Governments, protested against a Persian occupation of Herat—after having at one time prevented it by our forces, and at another by negotiations—at last, after having measured swords with Russia, and when all the nations in the East knew that these demonstrations of hostility by Persia arose from the efforts of Russia to create embarrassments to England during a time of war, shrank from the position which she had so long assumed, and tamely acquiesced in the possession of Herat by Persia, in despite of all our remonstrances and treaties with that Power? That would have had the most fatal effect on the reputation of England throughout the whole of the East, and so far from the mere detention of 5000 troops in Bombay being of any advantage, we should have suffered a loss of character highly injurious to the country. On the other hand, the effect of the war in Persia must be greatly advantageous to British interests throughout the East; for when the Asiatics see that we are capable of despatching so rapidly an expedition to Persia, which has been attended with such great and signal success that even on the extremity of the Persian territory we have been able, by that expedition to coerce the Persian Government to evacuate Herat, and to agree never again to occupy it; that, I say, is a triumph of British arms and diplomacy over Persia. Persia, however, we are told, is liable to be swayed by Russia; well, then, over Persian aggression and, if you will, over Russian instigation. This must be of the greatest value to the reputation and power of England among the Asiatics. Therefore, so far from admitting the justice of the hon. and learned Gentleman's observation, that the Persian expedition had contributed in the remotest degree to bring about those unfortunate events which we all deplore, I maintain that its tendency was to have prevented rather than to have accelerated them. But the hon. and learned Gentleman's own argument deprives him of the power of taking up that position, for he represents those events in India as the result of long previous combinations. In that case, they could not have arisen in consequence of the simple detachment of 5000 men from Bombay. Those 5000 men have returned, and for some time have been again on the shores of India; and, therefore, if the British forces were weakened by the original detachment of those troops, they are now strengthened, not only by their simple return, but by the glory they have accomplished, by the character and honour their arms have acquired, and by their distinguished performances on the Persian territory. There is, then, no ground for the Resolution moved by the hon. and learned Gentleman. There is no ground on constitutional principle, because we do not dispute that principle, but we contend that in this particular case to have followed it would rather have been a piece of pedantry than a substantial compliance with the rights and privileges of this House. There is no ground for the Resolution on account of the policy which led to the expedition to Persia, because that policy has been consecrated by the unanimous opinion of every successive Government which has conducted the affairs of this country. It was the policy of the Earl of Malmesbury as well as of the Earl of Clarendon. Therefore I say, that for this House to agree to a Resolution which directly or indirectly asserts it to be a bad and insufficient policy on the part of the British Government to maintain Herat free from Persian authority would be a fatal mistake, and might be productive of the most injurious consequences to our Indian interests. On these grounds I trust that the House will pass to the Committee of Supply, and if the hon. and learned Member, on full consideration and after the discussion which has taken place, should still think it necessary to divide the House, I hope the House will deem it not to be a Motion expedient to be carried.

Mr. DISRAELI: I hope the House will permit me for a few moments to trespass on its time while I explain the course which on this occasion I think it my duty to adopt. I will at once dismiss all that vexed question of Persian politics, with respect to which I still venture to believe that I entertain more accurate impressions than appear to prevail on the Treasury bench. According to the Chancellor of the Exchequer, Persia is the vassal of Russia; according to the President of the Board of Control, it is with great difficulty that he can prevent Persia from falling into the hands of England, her natural ally. With dogmas so discordant, and opinions so contrary, maintained by two eminent Members of the Cabinet on the vital question as to what led to the war and caused the expenditure, Her Majesty's Ministers must excuse me if I do not place implicit confidence in their views of Persian politics. But the opinion of the House on Persian politics is not, I believe, the question which to-night engages our attention, nor do I think it necessary to enter into the other question, which, borrowing the epithet used to-night, I may call the "awful" question of the present state of India, though it has been adverted to by the Chancellor of the Exchequer and dwelt on by the First Lord of the Treasury. We at least have this advantage from this discussion, that we have received the mature and solemn opinion of the Government on the cause of the present condition of our Indian empire. The Chancellor of the Exchequer has informed us that India at the present moment is suffering only from a momentary and unexpected impulse arising from superstitious causes. This insurrection, which extends from the Punjab to Calcutta, is, according to the Chancellor of the Exchequer, the creation of a sudden impulse. Sir, I have heard, but I can hardly believe that such grave consequences have arisen from so accidental a cause. I can hardly believe that that class, of all others, in our Indian empire which, by its education and interests, and by every motive which can influence the loyalty of men, ought to be most devoted to our Government, should be suddenly found in a state of open insurrection, from the cause alleged by the Chancellor of the Exchequer. I must be permitted to say that I believe the cause of the present state of India to be much graver and deeper than appears to be conceived by Her Majesty's Ministers. I believe the present state of India has been occasioned by long years of misgovernment; and if it be the opinion of Her Majesty's Ministers that the condition of India is attributable to such temporary and unexpected causes as alleged by the Chancellor of the Exchequer, I should have much less confidence than I would willingly entertain with regard to the remedial measures they have proposed, and the further measures which I trust they are prepared to submit to Parliament. But, dismissing Persian politics—dismissing also the grave question which must soon engage our consideration—let us consider the real question we have to decide to-night—

namely, the course which, independently of passion or of party, we ought to pursue. The hon. and learned Member for Sheffield has proposed some Resolutions by way of Amendment to the Motion for going into Committee of Supply, in order to provide for the expenses of the Persian war. Those Resolutions may be couched in strong language. That is of course a question of degree of little moment, but no hon. Gentleman will pretend that they do not embody a constitutional principle, or that that principle is not expressed in proper and Parliamentary style. Whether the Resolutions apply to the circumstances of the case—whether the inference which the hon. and learned Gentleman has drawn is sufficiently sustained by the premises, are questions meet and fit for Parliamentary discussion; but for proposing these Resolutions, which assert the privileges of Parliament and express a constitutional principle acknowledged even by Her Majesty's Ministers to-night, the hon. and learned Gentleman is assailed in tones of vituperation, and is told he is taking an un-English course. The First Lord of the Treasury, speaking of the Shah of Persia, said he had a habit of boasting in his Durbar. Well, there are other great men who have the same habit, who boast in places which we were once fain to hope were almost as august as the Durbar of a Persian king of kings; but if the policy the noble Lord recommends were pursued, I think the influence of Parliament would be so much diminished that we might perhaps have to veil our glories before the superior authority of a Persian sovereign. The noble Lord, having been accused of being a most popular Minister, yields to the soft impeachment, and in the Persian style says, "True it is, I am most popular; true it is that I possess the confidence of the country, but what is the cause? I know why I possess the confidence of the country. It is," said the noble Lord to the hon. and learned Member for Sheffield, "in consequence of your Resolutions." ["Hear, hear!"] Of course, hon. Gentlemen opposite will cry "Hear!" and in making this remark I intended they should cry "Hear!" Now, what were the Resolutions of the hon. and learned Member for Sheffield? I remember several memorable occasions on which the hon. and learned Gentleman, unsupported by any personal following in this House, has proposed Resolutions. I need scarcely remind the House of what was, perhaps, the most memorable occasion on which the hon. and learned Gentleman brought forward a Resolution. It was a Resolution for an inquiry into the state of the English army before the walls of Sebastopol. Was that an un-English Resolution? Was it an unconstitutional Resolution? Why, the noble Lord, who was one of the guilty Ministers, yielded to the vote when that Resolution was carried. Another Resolution, almost equally memorable, and which I am sure the noble Lord cannot have forgotten, was also proposed by the hon. and learned Gentleman. The occasion was when the "turbulent and aggressive policy" of the noble Lord was properly brought under our consideration by an eminent Member of this House, and when a large and powerful party, asserting, as I believe, sound principles of policy, called upon the House of Commons to seal with its strong reprobation the injurious policy of the noble Lord. The hon. and learned Member for Sheffield then came forward with one of his un-English Resolutions, and by the aid of the hon. and learned Gentleman, and by a scant majority, the mischievous career of the noble Lord was continued. Now, as the noble Lord has alluded to the younger Members of this House, I think they may learn from this instance what gratitude they will experience if, in future moments of delusion, desirous to save a Minister from a difficulty or to extricate him from a scrape, they come forward and propose Resolutions to assist the policy or to vindicate the conduct of the noble Lord. A few years will pass, and they will then be held up to the scorn and ridicule of the House as the movers of un-English Resolutions. Those who vindicate the privileges of Parliament —[*Cries of* "Oh, oh!"]—aye, many of the hon. Gentlemen who in their present zeal utter those murmurs, and who I dare say are now only too eager to come forward to vindicate the noble Lord, will learn from the lesson of to-night the future that awaits them. Now, let us see whether the premises of the hon. and learned Gentleman justify the conclusion at which he asks the House to arrive. Seriously speaking, that conclusion is a very grave one. ["Oh!"] Why, surely, you would not have me speak seriously of light matters? I have been answering the light part of the noble Lord's speech, and I am now about to address myself to what ought to have been the grave portion of it. The conclusion suggested by the hon. and learned Gentleman is one of great gravity, and I am not prepared to say that if that conclusion were established—grave as it is —I, for one, should shrink from the responsibility of voting for it. I think we should place ourselves in a very false position if we asserted our belief that the privileges of this House had been violated by the Ministry, and yet shrunk from the responsibility of condemning their conduct; but at the same time it is necessary that we should scrupulously look to facts, and see whether the conclusion we are called upon to adopt is justified by the circumstances or premises alleged. What is the language of the Resolution? It calls upon us to say—

> "That the war with Persia was declared, prosecuted, and concluded without information of such transactions being communicated to Parliament."

Now is that the fact? I perfectly agree that the House has not been treated in this matter with that candour which I think it would have been wise if the Minister—however popular and however powerful—had exhibited towards us. I cannot, however, get over the fact that on the meeting of Parliament, which might have been too long deferred, and after an ambiguous silence had, perhaps, been too long maintained on the part of the Government, there was an announcement in the Speech from the Throne of a war with Persia. I feel that that was the occasion —at the time the Address was moved— when this question ought to have been mooted. It is impossible not to feel the force of that argument. I do not at all agree with the Chancellor of the Exchequer or other hon. Gentlemen, who maintain that this or any other Indian wars do not require notice from Parliament; but the fact that at the commencement of this war an appeal was immediately made to the Exchequer of this country, marks it out from usual Indian wars. I cannot, however, agree that, as a general principle, all Indian wars are to be taken from the control of this House, even if an immediate appeal is not made to the British Exchequer. The basis of Indian finance is the credit of England; and at this moment, when we hear of the treasuries of India being plundered, when no one can tell by what machinery the revenue of India can for some time be collected, we should have acted in a most indiscreet manner—even if this had been purely and strictly an Indian war, without any immediate appeal to the English Exchequer—if we had allowed the war to pass without criticism and discussion. There is, then, before us the important fact, that at the beginning of the last Session of the last Parliament we were apprised that this war had been undertaken. I cannot under these circumstances agree to a Resolution which alleges, "that the war with Persia was declared, prosecuted, and concluded, without information of such transactions being communicated to Parliament." I think the Government acted unwisely and erroneously in not communicating their policy to Parliament at an earlier period; but I cannot agree that the late Parliament was itself free from blame in allowing the conduct of the Government to pass so long unnoticed. Does it, then, become an assembly that has been backward in the fulfilment of its duty to agree to a Resolution of so uncompromising a character as that proposed by the hon. and learned Gentleman? I confess I cannot but feel that the hon. and learned Gentleman is right in calling the attention of the House to this subject. I wish he had done so in a manner which would have allowed the expression of our opinion to be of an unanimous character. I cannot suppose that, whatever may happen, this debate will be without profit to our privileges, but I wish the hon. and learned Gentleman would not call upon us to divide upon this issue. It is not for me to counsel the hon. and learned Gentleman, but I shall follow the course which I think it is my duty to follow. I do not think the premises in this case justify the severe and sweeping conclusions at which he has arrived, and therefore my course will be to vote that the House do go into Committee of Supply.

Question put.

The House *divided*: Ayes 352; Noes 38: Majority 314.

List of the AYES.

Adams, W. H.
Adderley, C. B.
Akroyd, E.
Alexander, John
Anderson, Sir J.
Annesley, hon. H.
Antrobus, E.
Archdall, Capt. M.
Bagwell, J.
Baines, rt. hon. M. T.
Ball, E.
Baring, rt. hon. Sir F. T.
Baring, hon. F.
Baring, T. G.
Barnard, T.
Bernard, hon. W. S.
Bass, M. T.
Bathurst, A. A.
Baxter, W. E.
Beach, W. W. B.
Beale, S.
Beaumont, W. B.
Beecroft, G. S.
Bentinck, G. W. P.
Berkeley, hon. H. F.
Berkeley, F. W. F.

Bethell, Sir R.
Biddulph, R. M.
Black, A.
Blake, J.
Blakemore, T. W. B.
Boldero, Col.
Botfield, B.
Bouverie, hon. P. P.
Bovill, W.
Bramley-Moore, J.
Bramston, T. W.
Brand, hon. H.
Bridges, Sir B. W.
Briscoe, J. I.
Brocklehurst, J.
Brown, J.
Bruce, Lord E.
Bruce, H. A.
Buchanan, W.
Buller, J. W.
Bunbury, W. B. M'C.
Burke, Sir T. J.
Bury, Visct.
Butt, I.
Buxton, C.
Buxton, Sir E. N.
Byng, hon. G.
Calcraft, J. H.
Calcutt, F. M.
Campbell, R. J. R.
Carden, Sir R. W.
Castlerosse, Visct.
Cavendish, Lord
Cavendish, hon. C. C.
Cayley, E. S.
Cheetham, J.
Child, S.
Cholmeley, Sir M. J.
Clay, J.
Clifford, C. C.
Clifford, H. M.
Clive, G.
Close, M. C.
Cobbett, J. M.
Cobbold, J. C.
Codrington, Gen.
Colebrooke, Sir T. E.
Colvile, C. R.
Coningham, W.
Cowper, rt. hon. W. F.
Coote, Sir C. H.
Corry, rt. hon. H. L.
Cowan, C.
Craufurd, E. H. J.
Crawford, R. W.
Curzon, Visct.
Dalgleish, R.
Dalkeith, Earl of
Damer, L. D.
Dashwood, Sir G. H.
Davey, R.
Davie, Sir H. R. F.
Dering, Sir E.
De Vere, S. E.
Disraeli, rt. hon. B.
Dodson, J. G.
Du Cane, C.
Duke, Sir J.
Duncan, Visct.
Duncombe, hon. A.
Dundas, G.
Dunlop, A. M.
Du Pre, C. G.
Dutton, hon. R. H.
Ebrington, Visct.
Egerton, E. C.
Ellis, hon. L. A.
Esmonde, J.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Fagan, W.
Farnham, E. B.
Farquhar, Sir M.
Fenwick, H.
Ferguson, Col.
Finlay, A. S.
FitzGerald, rt. hon. J. D.
FitzRoy, rt. hon. H.
Fitzwilliam, hn. C. W. W.
Fitzwilliam, hon. G. W.
Foljambe, F. J. S.
Forster, C.
Foster, W. O.
Fortescue, hon. F. D.
Fortescue, C. S.
Freestun, Col.
Gallwey, Sir W. P.
Galway, Visct.
Gard, R. S.
Garnett, W. J.
Gaskell, J. M.
Gifford, Earl of
Gilpin, Col.
Glover, E. A.
Glyn, G. C.
Glyn, G. G.
Greenall, G.
Greenwood, J.
Greer, S. M'C.
Gregory, W. H.
Gregson, S.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Gurdon, B.
Gurney, J. H.
Hackblock, W.
Hall, rt. hon. Sir B.
Hanbury, R.
Handley, J.
Hankey, T.
Hanmer, Sir J.
Harcourt, G. G.
Hardy, G.
Harris, J. D.
Hastie, Arch.
Hatchell, J.
Hay, Lord J.
Headlam, T. E.
Heathcote, hon. G. H.
Heneage, G. F.
Henley, rt. hon. J. W.
Herbert, H. A.
Hill, hon. R. C.
Hodgson, K. D.
Holford, R. S.
Holland, E.
Hopwood, J. T.
Hornby, W. H.
Horsfall, T. B.
Horsman, rt. hon. E.
Hotham, Lord
Howard, hon. C. W. G.
Howard, Lord E.
Hudson, G.
Hughes, W. B.
Hutt, W.
Ingestre, Visct.
Ingham, R.
Ingram, H.
Jackson, W.
Jermyn, Earl
Jervoise, Sir J. C.
Johnstone, hon. H. B.
Jones, D.
Keating, Sir H. S.
Kendall, N.
Ker, R.
Kershaw, J.
King, J. K.
King, E. B.
Kinglake, A. W.
Kinnaird, hon. A. F.
Knatchbull, W. F.
Knatchbull-Hugessen, E
Knight, F. W.
Labouchere, rt. hon. H.
Langton, W. G.
Langton, H. G.
Legh, G. C.
Lewis, rt. hon. Sir G. C.
Locke, Jno.
Lockhart, A. E.
Lopes, Sir M.
Lowe, rt. hon. R.
Luce, T.
Macarthy, A.
Mackie, J.
Mackinnon, W. A.
M'Clintock, J.
M'Cullagh, W. T.
Mainwaring, T.
Malins, R.
Mangles, R. D.
Mangles, C. E.
Marjoribanks, D. C.
Marsh, M. H.
Marshall, W.
Martin, C. W.
Martin, P. W.
Martin, J.
Massey, W. N.
Matheson, A.
Matheson, Sir J.
Melgund, Visct.
Merry, J.
Miles, W.
Miller, T. J.
Mills, T.
Milnes, R. M.
Milton, Visct.
Moncrieff, rt. hon. J.
Monsell, rt. hon. W.
Montgomery, Sir G.
Morris, D.
Mostyn, hn. T. E. M. L.
Mowbray, J. R.
Napier, Sir C.
Newark, Visct.
Nisbet, R. P.
Noel, hon. G. J.
Norreys, Sir D. J.
Norris, J. T.
North, F.
O'Brien, P.
O'Brien, Sir T.
O'Connell, Capt. D.
Ogilvy, Sir J.
Osborne, R.
Ossulston, Lord
Owen, Sir J.
Paget, C.
Paget, Lord A.
Palmer, R.
Palmer, R. W.
Palmerston, Visct.
Patten, Col. W.
Paull, H.
Pechell, Sir G. B.
Pennant, hon. Col.
Perry, Sir T. E.
Philips, R. N.
Philipps, J. H.
Pigott, F.
Pinney, Col.
Platt, J.
Portman, hon. W. H. B.
Potter, Sir J.
Price, W. P.
Pryse, E. L.
Pritchard, J.
Pugh, D.
Puller, C. W.
Ramsden, Sir J. W
Ramsay, Sir A.
Raynham, Visct.
Rebow, J. G.
Repton, G. W. J.
Ricardo, O.
Ridley, G.
Robartes, T. J. A.
Roupell, W.
Russell, F. W.
Russell, Sir W.
Rust, J.
Sandon, Visct.
Schneider, H. W.
Scholefield, W.
Sclater, G.
Scott, Capt. E.
Seymer, H. D.
Shafto, R. D.
Sheridan, R. B.
Sibthorp, Maj.
Smith, M. T.
Smith, rt. hon. R. V.
Smith, A.
Smith, Sir F.
Smyth, Col.
Smollett, A.
Somers, J. P.
Somerville, rt. hn. Sir W.
Spooner, R.
Stafford, A.
Stapleton, J.
Stephenson, R.
Stirling, W.
Stewart, Sir M. R. S.
Stuart, Lord J.
Stuart, Col.
Sullivan, M.
Sykes, Col. W. H.
Talbot, C. R. M.
Tancred, H. W.
Taylor, S. W.
Tempest, Lord A. V.
Thorneley, T.
Thornhill, W. P.
Tollemache, hon. F. J.

Tollemache, J.
Tomline, G.
Townsend, J.
Trefusis, hon. C. H. R.
Trueman, C.
Turner, J. A.
Vansittart, W.
Villiers, rt. hon. C. P.
Vivian, H. H.
Vivian, hon. J. C. W.
Waddington, H. S.
Walcott, Adm.
Waldron, L.
Walpole, rt. hon. S. H.
Walter, J.
Warburton, G. D.
Warre, J. A.
Weguelin, T. M.
Western, S.
Westhead, J. P. B.
Wickham, H. W.
Willcox, B. M'G.
Williams, M.
Williams, Sir W. F.
Willoughby, J. P.
Wilson, J.
Wingfield, R. B.
Wise, J. A.
Wood, rt. hon. Sir C.
Woodd, B. T.
Wood, W.
Wyld, J.
Wyndham, Gen.
Wynn, Col.

TELLERS.
Hayter, rt. hon. W. G.
Mulgrave, Earl of

List of the Noes.

Baillie, H. J.
Biggs, J.
Blackburn, P.
Bowyer, G.
Bruce, Major C.
Burghley, Lord
Burrell, Sir C. M.
Christy, S.
Clive, hon. R. W.
Cox, W.
Dillwyn, L. L.
FitzGerald, W. R. S.
Gilpin, C.
Gladstone, rt. hon. W.
Graham, rt. hon. Sir J.
Hamilton, Lord C.
Hildyard, R. C.
Hope, A. J. B. B.
Hume, W. F.
Lennox, Lord H. G.
Liddell, hon. H. G.
Maguire, J. F.
Nicoll, D.
O'Donaghoe, The
Pevensey, Visct.
Salisbury, E. G.
Scott, H. F.
Sheridan, H. B.
Smith, J. B.
Thompson. Gen.
Trelawny, Sir J. S.
Warren, S.
Watkin, E. W.
White, J.
Williams, W.
Willyams, E. W. B.
Willoughby, Sir H.
Wortley, Maj.

TELLERS.
Roebuck, J. A.
Ayrton, A. S.

Mr. DISRAELI asked if the papers relating to the mutiny in India would be laid on the table to-morrow.

Mr. VERNON SMITH was understood to say they would be laid on the table on an early day.

Main Question put, and *agreed to.*

House in Committee; Mr. Fitzroy in the Chair.

The CHANCELLOR of the EXCHEQUER said, he should not at that late hour (a quarter to one o'clock) ask the House to agree to the two Resolutions which stood on the paper in his name. He should move them to-morrow evening in a Committee of Supply.

House resumed; Committee report progress; to sit again *To-morrow.*

SUPPLY—CIVIL CONTINGENCIES.

On the bringing up of the Report of the Committee of Supply,

Sir HENRY WILLOUGHBY said, he was not aware the other night that the Civil Contingencies were coming on, and he should, therefore, avail himself of the bringing up of the Report to make a few observations. There had been a great increase in the amount of the Civil Contingencies which had been spent, and this year it had reached £94,000. But he wished to ask a question of the Secretary to the Treasury; he wished to know what was done with the balance of the Civil Contingencies, whatever it might be. In the last four years, £100,000 had been voted every year for Civil Contingencies, a large portion of which, amounting to £148,000, had not been expended. He would beg to ask, therefore, what was the practice with regard to that part of the Civil Contingencies which was not spent? Was it returned into the Exchequer, or was it retained and expended on the authority of the Treasury in loans and grants? If so, it was a most objectionable outlay of money voted for one purpose which was applied to another, as, in his opinion, all expenditure of money ought to be authorized by a vote of that House. He wished also to know if the expenditure of the Civil Contingencies was subject to any audit, and if not, why not? He also wished to know if the Treasury claimed or exercised any power to expend this money without any examination at all?

Mr. WILSON, in reply to the first question, said there could be no doubt that there was an annual Vote of £100,000 for Civil Contingencies, and as the expenditure on that account had not in any year reached that amount, there was a large accumulation of balance out of the Civil Contingencies. The hon. Gentleman would recollect, that in the Committee on public moneys last year it was shown that the Treasury did not draw any of the balance of these Votes of £100,000, but that he (Mr. Wilson) had returned them into the Exchequer as a saving of £70,000, and a Return had been laid on the table, showing an account current for the last ten years of the amount voted and used for the Civil Contingencies. Last week he laid a similar Return for the past year on the table, and that practice he intended to follow every year, showing the state of the accounts for ten years. In answer to the second question, he said that the Treasury did not assume or exercise any right to appropriate the Vote for Civil Contingencies to anything which did not appear in the accounts, or to which Parliament had not given its sanction; any expenditure of the money voted for Civil Contingencies was to be found in the accounts annually presented to Parliament. With regard to the third question, the hon. Gentleman was aware that under the present system the Civil Service accounts were not audited by the Audit Board, which was a fault in the system which he hoped would now be amended.

Resolution *agreed to.*

JUSTICE AND POLICE FORCE (DUBLIN) BILL—COMMITTEE.

Order for Committee read.

Mr. J. D. FITZGERALD moved that Mr. Speaker leave the Chair in order to go into Committee upon this Bill.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. VANCE objected, as he had only just received some Amendments from Dublin.

Mr. J. D. FITZGERALD offered to postpone proceedings on this Bill to another day, if all the orders of hon. Members which followed were also postponed.

Mr. GROGAN moved the adjournment of the House.

Viscount PALMERSTON remarked, that he agreed that it was unreasonable at that hour (one o'clock) to expect the House to go on with opposed Bills; but if they were to sit, and there were to be debates, it was only fair the debates should be on the subjects as they stood in order on the paper.

Motion, by leave, *withdrawn.*

Main Question put, and *negatived.*

Committee *deferred* till *To-morrow.*

SUPERANNUATION ACT AMENDMENT BILL.

POSTPONEMENT OF SECOND READING.

Lord NAAS said, that he objected to postpone the order for the Second Reading of this Bill, on the ground that Government were in a very different position from private Members. The Government could fix the business as they pleased, but a private Member had no such advantage.

Sir GEORGE GREY said, the House would meet again to-day at twelve, and it was rather hard, after sitting at twelve yesterday, to keep hon. Members there until two or three in the morning. It was only reasonable that after twelve o'clock they should not proceed with Bills which were likely to be opposed.

Mr. H. BERKELEY said, that the Civil Service Superannuation Bill was viewed by the country with deep interest. He hoped that an opportunity would be given for its discussion.

The CHANCELLOR of the EXCHEQUER remarked that the Government were disposed to give a day, but they were unable at the present moment to fix any time.

Mr. SEYMOUR FITZGERALD hoped that the noble Lord would not be content unless the Government named a particular day for the discussion of his Bill.

Viscount GALWAY suggested to the Government that they might easily get over the difficulty by agreeing to the second reading.

The CHANCELLOR of the EXCHEQUER said, that as Thursday morning next seemed to be unoccupied, the discussion on the Civil Service Superannuation Bill might be taken then.

Second Reading *deferred* till *Thursday* next, at twelve o'clock.

The House adjourned at a Quarter before Two o'clock.

HOUSE OF LORDS,

Friday, July 17, 1857.

Minutes.] *Took the Oaths.*—The Marquess of Abercorn.

Public Bill.—1ª Fraudulent Trustees, &c.

2ª Constabulary Force (Ireland).

3ª Representative Peers (Ireland); Joint-Stock Companies.

ORDNANCE SURVEY OF SCOTLAND.

QUESTION.

The Duke of SOMERSET rose to put a question to the noble Lord at the head of the War Department with reference to the Ordnance Survey. He understood, from what had taken place last night, that the Government were prepared to issue a Commission to reconsider the whole subject of the survey in Scotland. He (the Duke of Somerset) had supposed that the whole of that question was set at rest by the previous decision of the House of Commons. It now appeared, however, that that decision was to be set aside, and that the subject was to be reconsidered. As this was a matter involving several millions of money, he wished to ask his noble Friend what instructions were to be issued to the Commission regarding the survey? According as the map required was for military, geological, or sanitary purposes, these instructions would necessarily be different. He, therefore, wished to know what the instructions were, and whether his noble Friend would agree to lay a copy of them upon the table of the House.

Lord PANMURE said, he could not undertake to give a categorical answer as to what instructions would be issued; but he thought he had last night clearly stated the spirit in which the Commission would be appointed. The survey had taken place in England, Ireland, and Scotland upon different scales, and the House of Commons had more than once interfered with those scales, and had come on different occasions to different conclusions respecting them. No decision of the House of Commons in regard to the scale on which the survey should be conducted was therefore likely to be final. The object of the Commission would be to ascertain on what scale the survey should be made—not on what scale a large map should be published. If the survey was conducted on a given scale, it could afterwards be easily reduced by a new scientific process, and copied on any scale that might suit the convenience of the public. The general effect of the instructions to be issued to the Commissioners would therefore be that they should inquire, in conjunction with scientific men and men connected with the law, what would be the most convenient scale to adopt for the survey, so as to secure perfect accuracy in all the reductions to be made from it.

NATURALIZATION BILLS.

STANDING ORDER MOVED.

The LORD CHANCELLOR moved the following Resolution:—

> "That no Naturalization Bill will be read a second time unless the consent of the Crown has been previously signified."

The noble and learned Lord said that the previous assent of the Crown ought to be required in the case of Bills of this description as well as in the case of Bills for reversing attainders. Any fit person might, without cost or trouble, obtain from the Secretary of State a Certificate equivalent to an Act of Naturalization; and, therefore, there was no absolute necessity for the introduction of Acts of that nature.

The Duke of Somerset

Resolution *agreed to;* and ordered to be added to the Roll of Standing Orders.

HER MAJESTY'S CORONATION— SIR GEORGE HAYTER'S PICTURE.

QUESTION.

Viscount DUNGANNON rose to call attention to the propriety of a painting of Her Majesty's Coronation being placed in the House of Lords; and asked the President of the Council whether it was in contemplation to purchase for that object the original painting of that event by Sir George Hayter, now on sale. It would be generally agreed that their Lordships' House was a very proper receptacle for those works of art which recorded events in the history of the country which were more than ordinarily interesting; and it had occurred to him that it would be most desirable and appropriate that the painting recording the Coronation of Her Most Gracious Majesty the Queen should have a place found for it within some one at least of their Committee-rooms. The original picture of that splendid subject, by Sir George Hayter, was now for sale; and when they remembered that many of the illustrious men who took part in that State ceremonial had since been removed from among us, this great work of art became one of additional historic interest. Moreover, the new palace of Westminster having been erected in the reign of the present Sovereign, it was only fitting that a pictorial representation of the Coronation of Her Majesty should adorn its walls. He wished to ask the President of the Council whether it was in contemplation to purchase for the House of Lords the original painting of the Coronation by Sir George Hayter?

Earl GRANVILLE said, that the Government had nothing to do with the decorations of the Houses of Parliament. That was a subject which had been referred to a Royal Commission, of which the Prince Consort was President, and to which several distinguished Members of both Houses belonged. He was not one of those Commissioners, and he could not, therefore, give the noble Viscount any information. At the same time, he thought it undesirable that the Commissioners should be called upon to explain the reasons why they did not purchase any particuar pictures that might happen to be in the market.

THE AFRICAN SLAVE TRADE—EMIGRATION OF NEGROES.

RESOLUTION. ADDRESS.

The Marquess of CLANRICARDE, who had a notice upon the paper of his intention to present a petition from Guiana praying for the removal of certain impediments to the importation of free labourers into that colony, said, that he would give way to his noble and learned Friend, believing that the discussion of this subject would be favourable to the views of the petitioners.

Lord BROUGHAM: My Lords, I rise to move a Resolution, which I propose to follow up by a Motion for an Address on the subject of an apprehended revival of the African Slave Trade. My Lords, when I consider the very great importance of the question which I am about to bring before your Lordships, I cannot avoid expressing my surprise — my agreeable surprise—at finding so many of your Lordships now present; for the subject has nothing to do with party—it has nothing personal to recommend it—it has none of those qualities that generally create a gathering together—I will not say in both Houses, but in your Lordships' House of Parliament. It rather belongs to that class of questions of which Mr. Canning once said, "Vital questions, as they are called, are those questions which nobody cares two straws about." I cannot say, however, that the present question comes within that description, for there is both in Parliament and out of it a very strong feeling, as well as a deeply rooted conviction, of the importance attaching to the subject which I shall now proceed shortly to bring before your Lordships.

My Lords, it was with very great pain, and no little astonishment, that I first heard of the measures which have been lately adopted in Paris. I felt then, as I feel now, perfectly assured that the Sovereign of that country is wholly incapable of lending his countenance to any measures which would tend to revive the African slave trade. I say so, in the first place, on account of His Majesty's family connection with him who first in France abolished that execrable traffic. The "Most Christian Kings" had, one after another, allowed that traffic not only to continue, but even to flourish, and had, indeed, all the while encouraged instead of suppressing it. It was reserved for the First Napoleon to do that act of his life which reflects the most honour upon him—I will say, indeed, the only act of his life in which he showed himself the friend of human rights and human liberties—it was reserved for him at once and for ever to abolish the African slave trade. I cannot, therefore, believe that he who so naturally prides himself upon his near relationship to that celebrated individual will take a retrograde course, and lend his countenance to a system which his eminent predecessor abolished, and by a measure as to which he has probably been not only ill-advised and misled, but deceived. The Emperor of the French, no doubt, believed that the project in question had none of that tendency to the revival of the slave trade which, I think, I can prove to your Lordships, without doubt or question, it possessed: I cannot believe it possible that His Imperial Majesty has been otherwise than misinformed and deceived. There is another reason why I take this view. When I consider those by whom he is surrounded, and to whom he gives in ecclesiastical matters so much of his confidence—namely, those ministers of religion to whose policy his Imperial Majesty seems inclined to lean, I feel certain that they must have told him of the offences committed by slave traders being ranged in the denunciations of Holy Writ with the most hateful and disgusting crimes of which man can be guilty; crimes to which I dare not in this place even allude except to say that they are not worse than slave trading. When this shall have been well represented to His Imperial Majesty, and especially when he finds that your Lordships and that the Government of this country view with great suspicion all that is now doing or attempting to be done—when that shall have been represented to the Emperor, I trust that His Majesty will view these transactions with the same jealous suspicion of their possible consequences, and that he will be thus furnished with a sufficient answer to the importunities of his colonial subjects, to which, for the present, and under a misapprehension of the facts and consequences, he seems to have given way.

My Lords, without further preface, I will proceed to state how it is that licences have been given to certain mercantile adventurers, or to certain agents as it has even been said of the French Government, to import a limited number of "free negroes," as the phrase has been, into the French West Indian colonies. Now, such a scheme as that must end in a renewal of the infernal African slave trade. From the representations which have been made to me by a learned Friend, Mr. Fitzpatrick, who filled the important office of judicial assessor on the Gold Coast for a period of six years, and who was thoroughly acquainted with the Messrs. Regis, of Marseilles, as well as their representatives upon the Gold Coast, he had ascertained that those gentlemen were most respectable merchants; so that in the information which I have received in reference to them from Mr. Fitzpatrick, prejudice against them cannot be said to have a share. What, then, is the proposition which, according to Mr. Fitzpatrick, was made upon the part of those gentlemen? Why, that the Africans, being slaves in their own country, should be induced to emigrate to the West Indies; that care should be taken that the contracts which might be entered into with them should be faithfully observed; that they should have the security of the Government officers for their proper treatment on the voyage to the West Indies; that upon their arrival in that quarter they should have Government security for the exercise of kindness towards them upon the part of the masters to whom they were to be bound apprentices by indenture; and that if they at any time desired to return to their native country, they should be allowed to do so, and should be conveyed back to the coast from which they had been taken at the charge of those by whom they had been carried to a foreign land. Thus, it was proposed to do for them, in short, everything which humanity could suggest. But I will beg your Lordships to bear in mind that we do not this evening hear for the first time of Africans being slaves in their own country, or of the great benefits which must result to them from their transmigration to the western hemisphere. On the contrary, I can recollect the assurances of a blessed change to be effected by such a transmigration which were in former times so confidently made. Looking back over a period of sixty years, during which time I have had my share in promoting the abolition of the slave trade, and during which I have laboured, more or less actively, more or less successfully, but always to the utmost of my power for the attainment of that great object, I cannot name a single discussion upon the subject in which language precisely similar to that to which I have just called your Lordships' attention was not made use of. I shall not trouble the House with any lengthened quotations in proof of this statement, but it is important that I should produce two or three instances in order to show how identical are the arguments which in years gone by were advanced in favour of the slave trade and the reasons which are now put forward in support of the proposed system of free emigration. The advocates of slave trading then and the advocates of free emigration now use identically the same arguments. From the year 1787 down to the abolition of the slave trade in 1807, the reasons which were urged in opposition to the measure bore to those used a striking similarity. In 1811, four years afterwards, I introduced into the other House of Parliament, the Bill declaring that the conveyance of Africans from their own country and their sale in other lands was in law, as it had always been in fact, a crime and not a traffic. But, up to that time, and during the whole period of the controversy from 1787, in all the debates upon that question, General Tarleton, who was then Member for Liverpool, asserted that the Africans themselves entertained no objection to the slave trade. He moreover complained that those who held contrary opinions were led away by a mistaken humanity. He indignantly denied even the misery which it was said had been inflicted upon those unfortunate negroes in the middle passage, and contended that only five out of 500 of them died upon an average, while 10½ per cent of our own troops perished on board the West India transports. General Tarleton further cited in support of his views the authority of one governor, two admirals, one captain, a commodore, and a large number of naval officers, whom he represented as friendly to the slave trade, and as willing witnesses to the benefits which it conferred. Sir William Young, himself a planter, in the course of the same debates, stated that he did not regard the commerce in African slaves in the light of an inhuman commerce. Not only did he defend the traffic in these human beings on the ground that they were slaves in their own country, and, in addition to being slaves, were there subjected to various tortures, and, in many instances, to murder itself; from all of which he maintained they were saved by the slave trade; but he described their happiness in the West Indies, and even on board of ship, in romantic terms. According to him, a slave estate was a most delightful spectacle. He spoke of the slaves dancing and singing, and enjoying every indulgence. Alderman Brook Watson, Lord Mayor, took the same view. He held that those who had brought them from their own country had brought them to happiness, and wound up by telling the House that there could not be a more delightful scene than that presented by the dancing and other amusements of the happy slaves on a well-managed estate. These quotations will probably be sufficient to show your Lordships that the arguments now brought forward in favour of the negro emigration scheme are by no means original, but had been brought forward very freely in defence of the execrable slave traffic from 1787 to 1811. This plan of free emigration has indeed an ominous resemblance to the scheme in which the slave trade had its origin. Soon after the discovery of America, it was thought that the miseries inflicted by the avarice and cruelty of the Spaniards upon the native Indian tribes might be terminated, if their place was supplied by the importation of negroes from Africa. That scheme arose from the union of short-sighted benevolence with far-sighted self-interest. This unnatural union it was which first produced that monstrous progeny—the African slave trade. The greatest cruelty ever perpetrated in the history of the world, has been ascribed, I hope untruly, to one of the most eminent philanthropists that ever lived, Bartholomew Las Casas, the protector of the Indians. In accordance with that plan, to which Cardinal Ximenes would not listen, a licence to take out 4,000 negroes from Africa was obtained from Charles V., who granted it inconsiderately — a licence which was afterwards annually renewed. It is quite true that slaves had been carried over from Africa previously; but that traffic was only an insignificant trading of the Portuguese. The foundations of the slave trade were laid by the Emperor Charles and his Flemish councillors. Between that plan and the scheme now proposed there is the closest resemblance; for what is the pecuniary arrangement offered by the French Government? The terms proposed to those negroes are 9*s*. a month, and it is said that negroes having been purchased and liberated on the African coast will immediately have their minds opened to the nature of an indenture of apprenticeship, will immediately enter into such indentures and go on board ship to be conveyed to the West Indies at wages of 12 francs, or 9*s*. a month, with an allowance of provisions. Now, the negro nature is completely misunderstood by those who defend such a scheme. The negroes are naturally simple-minded and innocent—but they are possessed almost, as were the ancient Egyptians, with an absolute horror of the sea. That feeling was always rooted in their nature, even before the commencement of the slave trade, and it had gathered additional strength from that infernal traffic and the middle passage connected with it. To propose, therefore, to free negroes to emigrate from Africa and cross the ocean is one of the wildest schemes which ever a perverted imagination conceived. It is said that the Kroomen, who are free negroes, eagerly offer their labour; and that therefore it is natural to presume other negroes will be ready to leave their country. But what are the inducements which must be held out to those Kroomen before they would consent to go on board ship? Upon that subject I have the benefit of information both from Mr. Fitzpatrick, who has had great experience in Africa, and from the paymaster of one of Her Majesty's ships upon that coast, and from their statements I can inform your Lordships what wages are necessary to tempt the Kroomen to go on board ship. Why, their engagements are only temporary; they are paid 19 or 20 dollars a month, or something like 2*s*. 6*d*. a day, and not 3*d*. or 4*d*., as M. Regis offers; and then they will only ship themselves upon condition that they shall only work upon the coast, that they shall be allowed to land when they please, and when the ship leaves the coast the Kroomen invariably leave the ship. When my noble Friend (Earl Grey) — whose absence on the present occasion I very greatly regret—was in office, he was very much pressed to sanction some scheme of negro emigration; much stress was laid on the benefits which would accrue to the Africans themselves by such an emigration; the Kroomen were quoted, and great stress was laid upon the want of labour in some of the colonies. My noble Friend was much disposed to countenance a scheme having for its object the promotion of the emigration of free labour, provided it could be carried into effect without danger of the revival of the slave trade in another shape. Accordingly, his Lordship employed a very intelligent officer to proceed in a steamer to the coast of Africa, and to make inquiries whether it were possible to procure really free emigrants. Earl Grey found it was impracticable to try the experiment, and although the colonists were very anxious for what they called "the removal of obstacles to the emigration of free labourers," his Lordship must have perceived that as what they desired under this phrase was buying slaves, in order to liberate and transport them, it was neither more nor less than the suspension of the Abolition Act, which made the purchase of negroes, even for the purpose of liberating them, an offence punishable by transportation, and he most properly refused to listen to any such proposition. Now, with regard to the alleged want of hands in the colonies, what is the real cause of it? I will read to your Lordships an extract from a letter written by Mr. Clark, a gentleman who has lived in Jamaica for twenty years, relating to that subject. Mr. Clark in that letter, which is dated June the 4th, 1855, states:—

> "Agriculture and commerce are now looking up. The proprietors of estates who were wise and able enough to carry on their estates during the season of low prices are now getting large returns; and (he goes on to say) still, notwithstanding the price of produce having more than doubled, the labourers are almost everywhere compelled to work at the same rate as when it was at the lowest ebb—9*d.* and 1*s.* a-day. The papers have, however, taken the matter up, and I hope that ere long 1*s.* 3*d.* and 1*s.* 6*d.* will be paid, without any agitation or strike on their part. There is again the old cry for immigration, especially from Africa; whereas our planters, who treat the people fairly and kindly, are getting all the labour they require, and if more be wanted they have but to increase the rate of wages, and their wants will be supplied more abundantly than by the importation of thousands of immigrants."

In reply to the question as to whence those negroes were to come, we are at once informed that there are many at present working on the provision grounds or on small farms and gardens, in raising produce for the market, who would work on the plantations if their wages were increased to 15*d.* or 18*d.* a day. As to obtaining negroes from Africa, I at once admit that there would be no difficulty on this head. Only let it be known that so many pounds sterling will be given for each slave in order to liberate him—only let it be known to the native chiefs that any captives taken in war will be ransomed, and I will answer for it that numbers of slaves will be brought for purchase, and that then, under the pretence of an indenture of apprenticeship, they will be carried across the sea to the new world. Captives, as well as home-born slaves, there will be in plenty. In order to supply a sufficient number of captives to be ransomed, wars will be undertaken by the native chiefs for the express purpose of taking prisoners and bringing them down to the coast for sale to the "emigration" companies. It was said by Mr. Pitt—and God forbid that ever again there should be cause for its being repeated—"Alas! you treat human beings as merchandise, and yet you do not give them the common benefit of the principle of all commerce, that the supply suits itself to the demand." Would that the voice of that great man could now ring through those walls, and put down each attempt to revive the African slave trade! "Ubi, Pansa, illa tua vox quæ populum Romanum monere solebat, nihil homini fœdius servitute!" Although the natural character of the negro is simple and innocent, yet all who have visited the country agree in saying that the African princes, and chiefly on account of this execrable traffic, have been inured to blood in a degree confined, I really believe, to that quarter of the globe. But the abolition of that abominable traffic has been attended with the best results on the African continent. Mr. Fitzpatrick tells me, "that on the death of the Queen Mother in one of those States, some seventy years ago, 150 persons were murdered on her grave," while, as if showing the softening effect of the suppression of the slave trade, when her son died a short time back there was a notification that there would be no human sacrifice at all. Mr. Fitzpatrick congratulating the reigning Prince on this salutary change in African customs, which he attributes to the abolition of the slave trade, received a friendly answer with a present. Nor is this the only change. To the criminal traffic, or rather to the felony, has succeeded legitimate and innocent commerce. Great and even rapid progress has been made, and the exportation of produce from Africa to this country now amounts to above £2,000,000 sterling; that is to say, such is the value of the goods sent from this country to be exchanged against the produce of legitimate industry. In the article of palm oil, the principal article of that commerce on the Gold Coast, the export is upwards of £1,500,000. This is the industry, this the commerce we are called upon to interrupt; this is the scene we were desired to darken; this is the prospect which we are told it was our duty to cut off—the prospect of improvement in trade, in the arts of peace, and in civilization. It is this we are asked to stop, by sending men to purchase slaves under the pretence of ransoming captives taken in the wars which must of necessity be caused by the inducements which we hold out for the express purpose of making those captives, in order that they may be sold to us and carried away. I have cited the authority of Mr. Fitzpatrick, I will now read a letter from him, which more than confirms the opinions which I have expressed. That gentleman says:—

"The Africans are not a migratory people. If they were free to-morrow, and capable of understanding this contract for ten years' expatriation and servitude," which I need not tell your Lordships the poor African can no more comprehend than he could a problem in the higher geometry, "they would much rather become slaves in their own country than enter into it. The Kroomen, though fond of earning money to take back to their own country after a short absence, and though tempted on board our cruisers by pay amounting to from 8 dollars to 12 dollars per month, with full rations or their money value equal to 7 dollars more per month, and employment on the element on which they are at home, will not enter into lengthened service; and to suppose that they would be induced by a promise of 12½ francs per month to go to a distant country for ten years is absurd. The MM. Regis, however, propose to purchase the slave's freedom on condition of his at once emigrating for ten years' service in the French West Indies, and thus to establish a system of free emigration. It is difficult, I think, to discover in this plan the *punctum temporis* in which the subject of the operation is free. It merely provides a change of masters, with this peculiarity, that the new master and his country are to be far away in regions of which the African never dreamed; and to slavery, I apprehend, it is honours not enchantments which are lent by distance. It is idle to suppose that a poor African slave will look forward to his freedom and a return to his country after ten years' service. It is a theory far too complex for his simple understanding. The slave then will not contract for a new and strange master in a distant land. But I am free to confess the master will; and, moreover, he will perform his part of the contract. When his own stock is exhausted he will prey upon his neighbours; he will steal and kidnap and panyar, and those who have the requisite establishments will go out a-hunting. The King of Dahomey will take out both his packs—his male and female 'dogs of war'—and every *petit* chief will do the like."

Mr. Fitzpatrick then states that great improvement has taken place among the African princes, and, adding that the most difficult of all things was to teach the natives a regard for truth, says—

"One of the objections to this emigration scheme is that it has all the appearance of a false pretence. No African will believe that a depôt to receive emigrants at Whydah is anything but a barracoon for slaves."

I have received similar testimony from Mr. Forster, a highly respectable person connected with the African trade. He takes precisely the same view of the subject, and has printed his opinions in the newspapers. Having complained that he had been misrepresented on account of having mentioned the probable fate of a slave who refused to go voluntarily on board ship, he continues:—

"What I said referred to his treatment in the hands of the native slave dealer before he is shipped, after he has been brought to the coast and sold.

"I deny that the native African is cruelly treated at home before he is sold. The natives of Africa are not a cruel people in their natural and social relations. I will undertake to say there are fewer murders among them in proportion to the population than there are in this country.

"If the slave trade is to be revived in this new form, it may just as well be revived in its old shape. The consequences will be quite as bad—nay, in some respects, worse. A limited demand in the way proposed would bring more slaves from the interior than were wanted, and they would be starved in barracoons, while it would unsettle the minds of the people, and disturb and destroy legitimate trade as much as an unlimited traffic under the old system."

I have not dwelt upon that which presents itself as an insuperable difficulty in the way of this scheme for the emigration of Africans,—I mean the impossibility of taking precautions which shall give us a chance—I do not say a reasonable prospect, but even a chance—of preventing the occurrence of the grossest abuse, the most cruel evils in the course of the transport of the negroes. When we remember that no person, no free English subject is allowed to embark on board a vessel going to Canada, or any other of our own settlements, without the greatest care being taken to examine her fittings, her stowage, her accommodation for the number of passengers proposed to be received on board, her provisions, and the medical attendance which has been provided, and, above all, to see that no more than the specified number are taken on board; and when we find that so strictly is this guarded by law that the severest penalties are inflicted in the case of any shipment of free English subjects on board an English merchant vessel, except at a port where there is a customhouse and a staff of officers to make these preliminary investigations, we must at once perceive the uselessness of any attempt to conduct on the coast of Africa a traffic of this sort, and to transport not intelligent Englishmen, but half-civilized, or less than half-civilized Africans from one distant country to another.

I do not think that I have anything to add upon the general question; but I cannot conclude what I have to press upon your Lordships in behalf of the claims of Africa, without recalling to your recollection the opinions and the feelings of Mr. Pitt on this subject. Great as his authority is with some of you on many subjects, on this it must by all be admitted to have peculiar weight, and to deserve the greatest attention—I may say the most profound respect. Of all the speeches marked by his majestic eloquence—of all the speeches with which he astonished and delighted his hearers, his celebrated oration upon the abolition of the slave trade, delivered in 1791, holds the first place. Some persons may think that his renowned declamation upon the breaking out of the war in 1803 equals, but it certainly does not surpass it. In that speech Mr. Pitt sums up the atonement which he trusted we were about to make for our long and cruel injustice to Africa. He expressed his hope that in the evening of her days she was about to enjoy those blessings which had descended upon us at an earlier period of the world's history, and he closed with these memorable words :—

> "This great and happy change to be effected in the state of her inhabitants is of all the various and important benefits of the abolition, in my estimation, incomparably the most extensive and the most important."

Some years later I heard him upon the question of a grant to the colony of Sierra Leone, to which objections were taken on a false principle of economy, express his earnest hope and even confidence that the day would come when Africa would take her place in the scale of nations, and enter on a new and splendid career, free in herself and freed for ever from the curse of that execrable traffic which had wasted her energies and destroyed her peace. My Lords, I now move my Resolution :—

> "That the Encouragement of Emigration of Negroes from the African Coast to the West Indies by the Purchase or Liberation of Slaves or the Ransom of Prisoners taken in War, even when this may not be held illegal, has a direct Tendency to promote the internal Slave Trade of Africa, and to obstruct the Progress of its inhabitants in the Arts of Peace and the Course of Civilization."

Motion *agreed to, Nemine Dissentiente.*

Then it was *moved*—

> "That a humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to withhold her Countenance from all such Schemes among her Subjects, and will use her best endeavours with Her Majesty's Allies for engaging them to discontinue all Projects which have a Tendency to promote African emigration by any Means directly or indirectly connected with the Purchase of Slaves or Ransom of Captives taken in War."

Agreed to, Nemine Dissentiente.

The Earl of CLARENDON said, he would not attempt to follow his noble and learned Friend through all the details of the able speech with which he had prefaced his Motion, but he need scarcely assure him and all men that he concurred in every word that had fallen from his noble and learned Friend in deprecation of any attempt calculated to promote the revival of the slave trade. His noble and learned Friend had accurately stated the opinion of Her Majesty's Government, and traced with great correctness the course of the proceedings which had taken place in this transaction. He thought that his noble and learned Friend had done no more than justice to the Emperor of the French, and he must add to the French Government also, who, he was convinced, were as incapable of intentionally giving encouragement, direct or indirect, to the revival of that abominable traffic as we were ourselves. But he rejoiced that his noble and learned Friend had brought forward the Motion in the eloquent and impressive manner which had marked his noble and learned Friend's address, because, as all the world knew, his noble and learned Friend had for a long series of years—sixty years, as he had himself told their Lordships—been the indefatigable friend of the African negro and the successful champion of the natural rights of that race. Therefore any opinion of his noble and learned Friend on this subject would necessarily be received with respect and attention abroad, as well as at home, and there as well as here it would be felt that he would not have brought the question before their lordships in the solemn and formal manner of asking them to concur in an Address to the Crown, if he had not seen some cause for apprehension and alarm in the proceedings to which he had called attention. He (the Earl of Clarendon) hoped their Lordships would agree to the Address for which his noble and learned Friend had moved, because it could not but strengthen the hands of her Majesty's Government ; though he could assure their Lordships that that was not required as a stimulus to them, for—so far from the subject having escaped their attention—so far from there being any intention on their part to lend themselves to the project his noble and learned Friend so much deprecated—he assured his noble and learned Friend that it had been a matter of constant and confidential communication between the two Governments, and that no effort of her Majesty's Government would be wanting to prevent the establishment of such a state of things as his noble and learned Friend had shadowed forth, and to check the slave trade by every means in their power. But France, like ourselves, having abolished slavery in her colonies, had experienced, as we had, great inconvenience from want of labour, and she now proposed to supply that want by the importation of negroes as free labourers—but without renewing the slave trade, or giving any encouragement either to the kidnapper or the slave dealer. The French Government had been perfectly frank in all their proceedings—they had never disguised either what they intended to do, or what they had done. So long ago as 1853 they informed her Majesty's Government that it was their intention to purchase slaves from the West Coast of Africa—emancipate them immediately, and then introduce them as free labourers into their colonies, where they were to earn wages, and their lot would be greatly superior to that in which they had been previously placed. But we at once represented to them, that before slaves could be sold they must be made, for it was altogether a mistake to suppose that slavery was the general condition of the African race—that it was true slavery existed, and slaves were employed by the African chiefs for their own purposes, but not in greater numbers than was sufficient for those purposes; and that if slaves were sold by them, the additional number must be provided by kidnapping or internal wars, waged by one tribe against another. And we pointed out also that it would be difficult to make the chiefs understand where the difference would lie between selling slaves to French speculators for exportation to the French colonies, and selling them to the slave trader, to be afterwards sold to the planter at Cuba—and to explain to them why the one transaction was to be encouraged and the other punished with the penalty of piracy. The French Government always contended that they would only import free labourers—because slavery having ceased to exist in the French territory, all negroes imported there must be necessarily *de facto* free. But in answer to that argument we observed, that if France established the system she contemplated, other countries in which slavery was not abolished might have recourse to it—they might pretend to import Africans as free labourers; and if the system were adopted by France with our concurrence, we should lose the right and the power to protest and prevent its being acted upon by those other countries of whose institutions slavery was still a part. The French Government then said that they would endeavour to make an experiment of the immigration of free labourers; and, in the first attempt that was made, we saw great reason to fear the consequences my noble and learned Friend has suggested, and we again brought the subject before the French Government, and they informed us of all the precautions they were taking to prevent it. They told us that the persons who had got the licence from the French Government, MM. Regis, would have to deal only with the negroes born freemen, or such as had been free for a long time—that they had ascertained that such persons might be obtained, who were willing to labour for wages, and for a limited time; and that one condition of the contract was, that they should be restored to their native country when the period of service was expired. And they further said, that the system they proposed would be guarded by the same precautions as had been taken by the English Government, when they sought to introduce free labour into their West India colonies. That was, no doubt, perfectly true; but then we informed the French Government that we had abandoned the practice, and considered the continuance of it impossible, for the reasons which my noble and learned friend has quoted; that we found on all those parts of the coast of Africa where slavery did not exist, so few negroes disposed to emigrate, that it was utterly futile to depend upon labour from that source; but a greater reason for abandoning the system was, that we found it gave rise to erroneous impressions abroad, and amongst the Africans themselves it was supposed that we were about again to give encouragement to the slave trade; and, in one instance, a chief actually made war upon a neighbouring village, and captured the inhabitants, in the hope and expectation that he could dispose of his captives to us. Another case occurred on the coast of Mozambique, and that place being under the French flag we brought the matter to the knowledge of the French Government, by whom peremptory orders were sent out. Ten minutes ago he (the Earl of Clarendon) had received a communication from the Admiralty, containing a despatch from Commodore Trotter, which contained a passage confirming the view of the Government as to the course proposed by the French Government, and stating that the French consul at Mozambique not only thoroughly objected to the system as a revival of the slave trade under another form, but as contrary to the orders he had received. He (the Earl of Clarendon) mentioned these facts to show that the subject had had the constant attention of her Majesty's Government, and that it was the intention of the French Government to inform them fairly and openly of all their proceedings. With regard to the Kroomen, the experiment had been tried by us and had failed; but he did not know that he was therefore entitled to say that it would not succeed with the French people. He had in his hand a placard which the gentlemen who first undertook the speculation had caused to be very extensively placarded in Sierra Leone, containing the conditions on which the Kroomen were to be engaged, and he must say that if those conditions could be honestly carried out, he could see no objection to them. This placard stated that the labourers were to be provided with clothes, proper food, medicines, and medical attendance during the voyage—a certain quantity of water per man—that they were to be employed for six years at stated wages, and that at the end of that period they were to be sent back to their homes free of expense, unless they preferred to remain under a new agreement. But though we were not entitled to say that this project, as regarded the Kroomen, must necessarily be a failure, or protest against it on that ground, he nevertheless entertained the same doubt and apprehension with regard to it as his noble and learned Friend did to the proposal for importing labourers from other parts of the African coast. He had never yet heard that there was any disposition on the part of the Kroomen, or the Africans of other parts of the coast to leave their country for the sake of employment. If, then, the system was to be carried out, it would require the greatest caution and watchfulness on the part of the French Government as well as of our own. And, in conclusion he would renew the assurance that, if it should be found to be attended with the consequences which his noble and learned Friend expected, Her Majesty's Government would not hesitate to bring the fact under the notice of the French Government, and he could not doubt that that Government, judging from the course they had already pursued, would never consent to the prostitution of the French flag to cover any proceeding which would have a tendency to revive the slave trade or slavery in any form.

The Earl of MALMESBURY said, that it would be wasting their Lordships' time if he were to occupy it by proving that our illustrious ally, the Emperor of the French, was not likely to evade the treaties made with this country in respect to the slave trade, and that he was sure to follow on this subject the example of the illustrious man the first of his name. It would be equally a waste of their time if he was to say that he thought that any attempt like that described by his noble and learned Friend opposite would not be fraught with danger; or that if it were carried out in the manner stated, it might not re-open the trade which we had just put down at so great a sacrifice of time, money, and blood. But while giving all the admiration possible to the noble and learned Lord, who had devoted a long life to purposes of humanity and usefulness, he thought it was natural that he should be carried away more than any other man by apprehensions to a certain degree on this point. But he must remind the House that those who had had experience of the coast of Africa, whether as governors of colonies or as commanders of Her Majesty's ships, did not entirely agree with the statements made by the noble and learned Lord. They agreed that if any attempt were made to purchase slaves on the southern coast of Africa that would lead to slavery; but they did not agree that the experiment would be equally hopeless if it were tried with Kroomen. These people inhabited a tract of country 500 miles in length, extending from Cape Palmas to Sierra Leone, and to their capabilities as emigrants he had his attention called only the day previously by Sir Henry Huntley, who had been for several years governor of Gambia, and had also for several years commanded one or other of Her Majesty's ships engaged in suppressing the slave trade. That gentleman felt, as he (the Earl of Malmesbury) did, what a boon it would be to America and Africa if we could devise some scheme by which an outlet could be provided for the inhabitants of the latter, and their progress in civilization could be promoted by bringing them in contact with superior races, while the millions of acres we possessed on the former continent could at the same time be brought into cultivation. Sir Henry Huntley, he need hardly say, had no less horror of the slave trade than any noble Lord present, but he believed that by promoting emigration amongst them we ran no risk of reviving its horrors. In this view he was confirmed by the evidence given by Captain Denman before the House of Commons, in which it was stated that the Kroomen never made slaves nor dealt in them, and that the Spaniards alleged that they would die rather than be made slaves. He would read to their Lordships some portions of the statement with which Sir Henry Huntley had furnished him upon this subject:

"The Kroomen come in small canoes from their country, 500 miles, to Sierra Leone, in search of labour. They are employed up the river Sierra Leone, Mellacoree, and other rivers, by the merchants to cut and prepare timber for shipping to England. They enter also on board merchant ships trading along the coast, and also those trading in the rivers for palm oil. They frequently assist in navigating vessels, which have lost men by fever, &c., to England. I knew an instance of thirty going to England in a leaky vessel to help at the pumps. At Fernando Po upwards of 350 were employed by an English company to cut timber—very fine teak wood—stipulating to be sent home every third year; their wages varied from 3*d.* to 10*d.* per diem. They received pay in merchandise. Ships of war always have Kroomen on board on the coast of Africa; so many, according to the size of the ship. They are paid in the Royal navy as sailors. Kroomen are employed, I believe, at the Island of Ascension, about 900 miles from their country; they never object to go to the Cape of Good Hope in ships of war. Captured slaves, called by us the 'liberated Africans,' with very few exceptions, have been found useless when employed on board ships of war; merchant ships will not take them; they are lazy, and demand high wages."

That gentleman had also furnished him with the following suggestions for regulating the employment of Kroomen in the British West Indies:—

"1. Kroomen to be shipped at no place in Africa but Sierra Leone.

"2. Kroomen shipped for the West Indies must be registered at Sierra Leone, and also in the West Indies upon arrival.

"3. Certain ports in the West Indies to be named for the reception of Kroomen.

"4. Kroomen never to be taken to the West Indies upon speculation of being employed.

"5. Before a ship can sail to get Kroomen for the West Indies, the owners to make application for a licence at the ——— office in England, showing a demand for a certain number, and naming in it the property upon which they are to be employed in the West Indies. Copy of the demand and licence to be sent to the registrar at Sierra Leone.

"6. Ships intended to carry Kroomen to the West Indies to be fitted with propeller, and apparatus for obtaining fresh water from sea water.

"7. Tonnage of ship to regulate number of Kroomen carried on board.

"8. Kroomen in no case to be subject to corporal punishment—(magistrates or registrars should regulate between employer and man).

"9. No registrar in chief to be appointed but from England—he may appoint deputies with the sanction of the ——— office in England.

"10. Kroomen not to be transferred or let out on hire in the West Indies, nor allowed to work upon any property excepting that named in the licence, without the sanction of the registrar in chief and consent of the Kroomen."

Considering the respect due to the authority of Sir Henry Huntley, he had thought it right to put the House in possession of his opinions; because, although it would be superfluous to say that he was as much alarmed at any project like that described by his noble and learned Friend as he could be, still he should consider the subject in every light, and turn it over again and again before he despaired of opening Africa to communication with the more civilised quarters of the globe and abandoned it to its present barbarism.

The Earl of HARROWBY believed that if the proposed emigration were confined to the Kroomen it would be perfectly safe; but it was very difficult to induce the Kroomen to leave their own country. They were a people who never made slaves of others, and who were unwilling to be made slaves themselves; and it was their habit to go away from home, but not for more than two years at a time. One result of the investigation before a Select Committee of the other House of which he was a Member was, that this was the only race of Africans who could be transferred to our West Indian colonies without the danger of an immediate renewal of the slave trade. To show the light in which this system was likely to be viewed by the native chiefs in Africa, he would take the liberty of reading the copy of a very curious letter sent by the King of Calabar in answer to a British merchant who had written to His Majesty to know whether any of his people would engage themselves as free labourers. The letter was as follows:—

> "Old Calabar, June 5, 1850.
>
> "Dear Sir,—I receved your kind letter by the Magistrate, through Captain Todd, and by your wish I now write you to say, we be glad for supply you with slaves. I hav spoken with King Archibury, and all Calabar gentleman, and be very glade to do the sam. Regard to free emigration we man no will go for himself. We shall buy them alsam we do that time slave trade bin. We be very glad for them man to come back again to Calabar; but I fear that time they go for West Indies he no will com back her. We have all agreed to charges four boxes of brass and copper rod for man, woman, and children, but shall not be able to supply the quantity you mention. I think we shall be able to get 400 or 500 for one vessel, and be able to load her in three or four months, for we cannot get them all ready to wait for the ship. She will have to com and tak them on board as they com. We have no place on shore to keep them. The ship will have to pay convey to me and Archibury, but no other gentlemen—say, 10,000 copper for earch town in cloth or any other article of trad. I shall be very glad if the term I mention will suit you, for we shall not be able to do it at a less price, and man to be paid for with rods. I shall be very glad when you write me again to mak arrangements with your captain what tim the ship must come, hoping you are quite well, beleeve me to be,
>
> "My dear Sir, your humble servant,
>
> "Eyo Honesty King."

This letter showed that the system would be but another form of the slave trade, and that the so-called free labourers would be bought and sold. No doubt the horrors of "the middle passage" could be prevented by the proper regulation of the vessels employed in conveying the negroes; and after the labourer arrived in a colony in which slavery had been abolished he would no longer be the victim of oppression. Yet, on the coast of Africa the effect of the plan would be to revive the gambling spirit engendered by the slave trade, together with all the atrocities connected with the capture of slaves in the interior, while the course of peaceful commerce and agriculture, now extending rapidly over the shores of Africa, would be entirely arrested.

Lord BROUGHAM briefly replied, quoting the favourite organ of the slave party in the Carolinas, to show that the slaveholders in America regarded the example proposed to be set by England and France in the matter of the exportation of "free" negroes from Africa, as an encouragement and a justification for them to procure as many slaves as they chose for the Southern States. The enforcement of any contract for wages would be entirely within the jurisdiction of the slave state in which the negro was located; and it was easy to see what would become of the "freedom" of the African emigrant in the event of any legal dispute arising.

Motion *agreed to, Nemine Dissentiente.*

JOINT-STOCK COMPANIES BILL.

THIRD READING. BILL PASSED.

Bill read 3^a (according to order), with the Amendments.

The LORD CHANCELLOR said, that while he was opposed to giving priority to any judgment creditor of joint-stock banks, which it was the object of this Bill to prevent, yet his attention had been called to the question of registered judgments in Ireland, which operated as mortgages on the estate. A creditor in Ireland on obtaining a judgment and registering it, became a mortgagee, and it appeared hard to take his mortgage from him. To meet this case he proposed that the rights of such creditors should be preserved unless they chose to give up their judgments, or that the mortgage should be taken in full satisfaction of their debt, so as not to enable them to compete with other creditors. He proposed, therefore, that there should be a clause inserted after the 10th clause to the effect "That nothing in the Act should apply to or affect the rights of creditors, unless with their consent, who had obtained judgments in Ireland which had been duly registered."

The Earl of DONOUGHMORE said, that the operation of the clause would unjustly affect the interests of those creditors who in the case of the Tipperary Bank, having found that the Winding-up Act was powerless to bring about a compromise, had sought the only remedy which was open to them, and had registered judgments against individual shareholders. That proceeding upon their part had been pronounced by the Court of Exchequer in Ireland to be perfectly legal, and it was therefore manifestly unfair that they should be called upon to pay back into the common fund the dividend of 2*s.* which they had succeeded in obtaining.

Lord STANLEY of ALDERLEY said, that no doubt this was *ex post facto* legislation, and deprived some parties of rights which they might have acquired; but it was intended to put an end to an interminable system of litigation, and the only question now was whether these registered judgments should have priority over others. On the face of it that was somewhat doubtful; but in consequence of the peculiar state of the law in Ireland, which made these judgments act as mortgages on an estate, it would be unjust to deprive those who had obtained these judgments of them; but it was also equitable and just that if they had this advantage, those registered judgment creditors ought not to have the advantage of the dividend which had been paid.

Amendment *agreed to;* clause *added* to the Bill; Amendments made; Bill *passed*, and sent to the Commons.

House adjourned at Eight o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, July 17, 1857.

MINUTES.] NEW WRIT.—For Woodstock, *v.* The Marquess of Blandford, now Duke of Marlborough.

PUBLIC BILLS.—1° Oxford University.

2° Turnpike Acts Continuance; Land and Assessed Taxes &c. (Scotland) Acts Amendment; Valuation of Lands (Scotland) Act Amendment; Illicit Distillation (Ireland).

LUNATICS (SCOTLAND) BILL.

COMMITTEE.

Order for Committee read. House in Committee.

Clauses 17 to 93 *agreed to.*

Clause 94 *struck out.*

Clauses 95 to 107 *agreed to.*

Clause 108.

MR. STIRLING said, he must object to the manner in which this Bill, containing 109 clauses, was presented to the House. It ought to have a tabular index and table of contents, as it would greatly facilitate reference and perusal by hon. Members.

THE LORD ADVOCATE said, he would give the necessary directions for that purpose when the Bill was reprinted.

THE LORD ADVOCATE then proposed the following supplemental Clause:—

"If it shall appear to the Secretary for the Home Department to be necessary for the discharge of the duties imposed by this Act, he shall have power to appoint, for such period as he shall think fit, one or more medical persons, not exceeding two in all, to be Deputy Commissioners under this Act; and such Deputy Commissioners shall receive a salary not exceeding £500 per annum each, to be paid in like manner, and out of the like fund, as the other salaries payable under this Act; provided always, that no suc appointment shall subsist after the expiration of five years from the passing of this Act, and such Deputy Commissioner shall have such of the powers and perform such duties as the Board may direct."

MR. BUCHANAN said, the intended appointment of these persons was quite unknown to the Scotch Members. He thought that, altogether, the passing of this Bill had been too much hurried. There was no unanimity as to the machinery of the measure, but some pressure seemed to have been put upon the Scotch Members in respect to legislation on the subject.

THE LORD ADVOCATE observed that, instead of proceeding too hurriedly, they had been more than ten years employed in the work of legislation. He should have thought that the House had greatly failed in its duty if some attempt had not been made in the present Session to remedy the evils at present existing in the system.

MR. BLACKBURN observed that he thought the House had delayed too long and hurried too much at last in legislating upon this subject.

MR. KINNAIRD said, he quite agreed with the Lord Advocate. The neglect that had taken place with regard to lunatics had brought reproach upon Scotland, and if something had not been done this year, he believed there were Members in the House who would have compelled legislation in the matter.

MR. SCOTT remarked that he thought the subject required early legislation and mature deliberation, whereas there had been late legislation and very little consideration.

MR. BUCHANAN explained that he had not meant to say that no legislation ought to have taken place this year; he only contended that the House had been too much hurried at last.

Clause *agreed to.*

Preamble *agreed to.*

MR. STIRLING said, he begged to give notice that he would move the omission of the proposition for the exemption of Shetland on the bringing up of the Report.

House resumed; Bill *reported;* as amended, to be considered on *Monday* next.

BURIAL ACTS AMENDMENT BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 16 *agreed to.*

Mr. KNIGHT objected to the large powers given by the clause to the Secretary of State.

Mr. MASSEY said, it was absolutely necessary to give large powers to the Secretary of State for sanitary purposes, especially as to the bodies buried in the vaults of churches, from which, owing to the falling in of coffins, the most noxious exhalations sometimes proceeded. It was not at all intended to burn the bodies, but simply to make sanitary regulations.

Clause *agreed to.*

House resumed; Committee report progress; to sit again on *Wednesday* next.

BATH ELECTION—REPORT.

House informed, That the Committee had determined,—

That William Tite, esquire, is duly elected a Citizen to serve in this present Parliament for the City of Bath.

And the said Determination was ordered to be entered in the Journals of this House.

KINGSTOWN RAILWAY—QUESTION.

Mr. J. H. HAMILTON (in the absence of Colonel Taylor) asked the Vice President of the Board of Trade whether he has received a Memorial from certain persons residing in the vicinity of the Kingstown Railway, and whether it is the intention of his department to interfere to oblige the directors of that line of railway to run trains according to law?

Mr. LOWE said, the Board of Trade had received the Memorial mentioned. It had been transmitted to the Kingstown Railway Company, and had been in their hands about a week. As an answer had not yet been received, of course it would be premature to state what steps the Board of Trade would take, but of course they would take care that the provisions of the Act were carried out.

IRISH REVENUE POLICE—QUESTION.

Mr. J. H. HAMILTON (also on the part of Colonel Taylor) asked the Chief Secretary for Ireland, Whether it is intended to amalgamate the Revenue Police with the Constabulary; and, if so, whether provision will be made to secure to the officers of the former service their status and progressive rank and emoluments?

Mr. WILSON said, the hon. Gentleman was probably aware that three years ago a Bill was passed, by which the Constabulary Force in Ireland was permitted to assist the Revenue Police, with the view of stopping illicit distillation. That measure had operated so well that on the renewal of the Bill in the present year it was proposed to take powers for the further extension of the principle then adopted, and perhaps of ultimately entirely amalgamating the two forces. Of course, in that case, a just and fair provision would be made for whatever officers of the Revenue Police might not be absorbed in the Constabulary.

PARLIAMENTARY OATHS.

Mr. DILLWYN said, that, at the request of a numerous and influential meeting of the Liberal Members, he had agreed to postpone his Motion on the mode of taking the Oaths in that House. He begged, therefore, to give notice of that postponement.

BATH ELECTION COMMITTEE.

QUESTION.

Lord BURGHLEY said, that he wished to ask the right hon. Gentleman opposite (Mr. Horsman), who acted as Chairman of the Bath Election Committee, whether it was true that, regardless of expense to the petitioner and the sitting Member, he adjourned the Committee at two o'clock on Thursday, for the purpose of attending a meeting to take into consideration the claims of the Jews to sit in that house?

Mr. HORSMAN: The question of the noble Lord implies more than can be answered by a mere affirmative or negative; for it implies that, as Chairman of the Bath Election Committee, I did, on my own Motion, without notice, take on myself to adjourn the Committee, to the great inconvenience and expense of the parties before it, for the avowed purpose of enabling me to attend the meeting in question. The noble Lord, then, will be glad to learn that I did not pursue any course so unusual and so improper, and if I had attempted it, the other Members of the Committee were gentlemen who knew their duty too well to permit it. I will state what occurred. It was on the Wednesday morning that I first knew that this meeting was likely to take place, and on the assembling of the Committee I conversed with two of the Members, and we discussed the probability of being able to attend it. In the course of that day's proceedings I stated that if an adjournment could take place next day without inconvenience, possibly such a thing might be suggested. To that intimation I received that courteous answer which hon. Gentlemen, members of the same Committee, were likely to give to one another; but we all felt the matter depended on the convenience of the parties before the Committee. I then asked the counsel if, in the event of the state of business permitting it, a proposition should be made to adjourn the Committee next day at two o'clock, any inconvenience would result. The counsel on both sides stated that, so far from such a step being felt as an inconvenience, it was the course they would both desire to be taken. I begged them to be assured that the Committee sat there for no other purpose than to consult the convenience of the parties before it, and that unless it suited their convenience and duty, there would be no suggestion for an adjournment. They replied that they would themselves have proposed that course, and that they had no objection to it. I then stated that, after that expression of opinion, and as it appeared that counsel, candidate, and agents were all of one accord in stating that they preferred the course I suggested, I would propose an adjournment next day at two o'clock. Nothing was said to the effect that the object of the adjournment was to enable any one to attend the meeting on the Jewish disabilities. No question was asked, and the suggestion I made to the counsel and agents was received, not only with ready concurrence, but with alacrity. Thus twenty-four hours' notice was given of the adjournment, and not one shilling of additional expense was caused by it. The adjournment having been agreed to, I certainly did attend the meeting in question, which was a most interesting meeting, and if the noble Lord had been present he would have been in a position to acknowledge its important character.

VISCOUNT GALWAY: As a Member of the Committee, I feel bound to state my impression of what occurred; but to put myself in order I will just move, *pro formâ*, that the House at its rising do adjourn till Monday. When the Chairman of the Committee stated that he could not sit longer than two o'clock on Thursday, not the slightest intimation was given that he was going to attend the meeting on the Jewish disabilities. Had I been aware of the reason, I, for one, would have divided the Committee on the subject. I think it is a very unfair practice, particularly in respect to Election Committees, the parties attending which are put to great expense, to lose two hours; and in this case it does so happen that we have concluded the business exactly in two hours, and might, therefore, had it not been for the adjournment, have concluded it on Thursday. With respect to the counsel, I am bound to say that the right hon. Gentleman did ask them whether it was to their convenience that the adjournment should take place, and they replied in the affirmative; and no doubt it was, for to have two hours in one committee-room and two hours in another was a great convenience to counsel. It did so happen that the counsel engaged before this Committee were employed in two other rooms. I assure the right hon. Gentleman that I have had no concert with the noble Lord in raising this discussion, and, without wishing to find fault with the right hon. Gentleman, I may express a hope that the course taken by him will not be made a precedent in future cases.

Motion made, and Question proposed, "That this House will, at the rising of the House this day, adjourn till *Monday* next."

SIR HARRY VERNEY observed that the sitting of the Committee to-day commenced at eleven o'clock, and did not terminate until four, so that it occupied more than two hours. When the right hon. Gentleman (Mr. Horsman) proposed the adjournment, no objection was made by any one. He (Sir H. Verney) knew what the right hon. Gentleman's object was, and he was sorry to say that the counsel on both sides said they were very glad of the adjournment. In fact both sides consented to it readily.

MR. NEWDEGATE said, the course pursued with regard to the adjournment of the Committee was directly opposed to the usual practice. It might have been fortunate for the meeting that a gentleman possessing the experience of the right hon. Gentleman occupied the chair, but the object of that meeting seemed to have been to disturb the proceedings of the House. He (Mr. Newdegate) thought that he might be excused for making the observation, because he remembered some unfortunate scenes which had taken place in the House, and he knew that many hon. Members of experience, and many right hon. Gentlemen on the other side, were most anxious to avoid the repetition of proceedings which might bring the authority of the House in collision with the authority of the law. He wished to ask the hon. Member for Swansea (Mr. Dillwyn) to what day he meant to postpone his Motion, because so long as it remained upon the paper, it must occasion some anxiety.

VISCOUNT GALWAY said, he had inadvertently made use of the expression two hours, but he meant to imply that had the Committee sat for two hours longer on Thursday, they might have finished the business, whereas by the postponement, they had to examine another witness, who was not present on that day, and was only produced this morning.

MR. CHEETHAM said, his right hon. Friend had stated to him his reason for wishing that an adjournment should take place, and the counsel engaged in the case expressed their willingness to accede to the suggestion.

MR. ROEBUCK: I wish to notice an observation made by the noble Lord (Viscount Galway). He said if he had known the object with which the adjournment was proposed, he would have divided the Committee. It is clear, therefore, that the division would have taken place, not on account of the parties concerned, but on account of the feeling of the noble Lord with regard to a particular question. Not knowing the precise object for which the adjournment was desired, the noble Lord made no difficulty in assenting to it; but if he had been aware of that object, he would have opposed the proposal. It is clear, therefore, the object of the meeting would have been the only ground on which the noble Lord would have opposed the adjournment. It is clear, for the fact is ascertained, that when the right hon. Gentleman (Mr. Horsman), the chairman of the Committee, proposed the adjournment, he did so in the hearing of the counsel and the parties. The noble Lord (Viscount Galway) has insinuated—for he has not openly stated—that counsel assented to the adjournment for their own private interests. I say the noble Lord has cast a slur upon those counsel which he had no right to cast upon them [*A laugh*]. This may be a laughing matter to the noble Lord. You pelt frogs; it is an amusement to you, but it is death to them. [*A laugh*]. It may be an amusement to the noble Lord to cast reflections upon honourable men who get their bread by intellectual labour. I say the imputation of the noble Lord was not justified. I don't know the names of any of the counsel engaged in the case. I say that it being clear the parties to the inquiry were present when the adjournment was suggested, that it was made in their hearing, and in the hearing of their counsel, that they assented to it, and that, as has been stated by the right hon. gentleman (Mr. Horsman), neither party has been subjected to one shilling's expense in consequence of the adjournment, the noble Lord's assumption that the adjournment was improper, is wholly attributable to his having subsequently discovered the object of that adjournment. He was not careful of the interests of the parties until his own feelings were concerned.

MR. SEYMOUR FITZGERALD: I do not think it is either the interest or the wish of the House to prolong this discussion, but as a member of the Committee I wish to state, that I believe the facts are these:—The right hon. Gentleman communicated to the members of the Committee, who sat near him, the object for which he desired an adjournment. All I heard passing in the Committee, and all my noble Friend heard, was, that the right hon. Gentleman addressing us said, "It is quite impossible for me to attend to-morrow." The right hon. Gentleman repeated that statement with considerable emphasis. I must say, when that language was used, I for one supposed there was some insurmountable obstacle to the right hon. Gentleman's attendance. I supposed he had some engagement in connection with public business in this House, or at least of extreme importance, and that he therefore felt it necessary to the parties and to his colleagues to adjourn under the peculiar circumstances of the case. I do not think that any one would have anticipated from the right hon. Gentleman's language, that his only object was to preside over a public meeting. I may further say that while under any circumstances I should be unwilling to put parties to the extreme inconvenience and expense which the adjournment of an inquiry must occasion, I certainly would not have consented to the adjournment in this case, if I had known the ground upon which it was proposed, whatever the object of the public meeting might have been. It is perfectly true that the parties to the inquiry, as well as my noble Friend and myself, consented to the adjournment; but it was put to us almost as a matter of impossibility that the right hon. Gentleman could attend. I should not have troubled the House with these observations, if I had not felt that we are to a certain extent culpable for having assented to an adjournment upon such a ground.

MR. HORSMAN: I trust I may make one remark upon the extraordinary statement of the noble Lord. I trust the House will permit me to do so, because it is very painful to be at issue as to a matter of fact with gentlemen who ought to be so well informed as the noble Lord (Viscount Galway) and the hon. Gentleman (Mr. S. FitzGerald). I am, however, fortified by the presence of two other members of the Committee, and by my own distinct recollection and positive knowledge, when I say there is not the very smallest foundation in fact for the assertion that I stated that it was impossible for me to attend on the day in question. On the contrary, it was not until after the adjournment had been agreed to that I came out of the Committee-room, saw my friends, and consented to take the chair at the meeting, and if the slightest objection had been made to the adjournment I should not have been able to attend the meeting at all. I stated to the counsel three times over that, if it was quite for their convenience, a suggestion for an adjournment might be made, but I said not one single syllable about my attendance next day. I gave neither the counsel, the agents, nor the parties the least reason to know whether it was for my convenience, or for that of the noble Lord, or the hon. Gentleman (Mr. S. FitzGerald), or any other member of the Committee, that the adjournment should take place. I can only account for the statement now made by supposing that the hon. Gentleman and the noble Lord, after sitting so long on a scrutiny, have brought into the House a great deal of the confusion as to facts which had been displayed before the Committee.

LORD JOHN MANNERS: Is the right hon. Gentleman confining himself to an explanation?

MR. HORSMAN: The confusion as to facts to which, after a lengthened sitting upon a scrutiny, we are very liable—I make no charge against hon. Gentlemen, but I say that such confusion as to facts may lead to assertion for which there is not the smallest foundation. No person in the Committee-room, except two hon. Gentlemen now sitting near me, knew that it was for my convenience that the adjournment took place. I feel how unfair and unjust it is to the parties that inquiries before Committee should be protracted one day longer than is absolutely requisite, or that they should be subjected to a shilling of unnecessary expense. I should be extremely sorry and unwilling to subject them to any inconvenience; and when I stated to the parties in this case, that an adjournment might be proposed, I took care to say there was no strong wish on the part of the Committee on the subject. I told them three times over that we consulted their convenience, and their convenience only.

SIR JOHN PAKINGTON then rose and said, that he thought the House could have no wish that this discussion should be continued; and he therefore begged to put a question to the Secretary to the Treasury.

COLONEL KNOX also rose to address the House, with the apparent view of continuing the discussion, but gave way when

SIR GEORGE GREY rose to order, and submitted that it was irregular on the part of the hon. and gallant Member, (Colonel Knox) to interpose between the House and the right hon. Gentleman (Sir J. Pakington), after the Speaker had called on the right hon. Gentleman to proceed with the question which stood on the paper in his name.

SIR JOHN PAKINGTON said, he had risen to ask his question under the full impression that it was the wish of the House to put and end to the discussion. The question to which he wished to direct their attention was one in which the convenience of hon. Members was involved to no small extent. He understood a rule had lately been made on the recommendation of the Printing Committee, by which papers presented by command of Her Majesty were no longer to be distributed to hon. Members of the House in the usual way, but were to be accesible to hon. Members on application at the Vote-office. No hon. Member could be more anxious than he was to see the expense of printing the papers of the House lessened, but he was still of opinion that if there was one thing of more importance than another in the performance of their functions as Members of that House, it was that all possible information should be accessible to them on all occasions. The hon. Member for Finsbury (Mr. T. Duncombe), had lately given notice of his intention to move for leave to bring in a Bill to repeal the existing laws respecting vaccination. The Government, on the other hand, had given notice that they were about to introduce a Bill to amend the existing law on that subject, and a most important paper in reference to the prevention of the spread of smallpox had recently been presented to the House by command of Her Majesty. Under the new rule, however, to which he had referred, that paper had not been distributed to Members in the usual way, and he himself had only heard of its existence in an incidental way. He believed, certainly, that the fact that papers had been presented was to be set forth in the Votes, but hon. Members could not, in the present pressure of public business, daily examine the Votes for the purpose of ascertaining whether they contained that particular information. He wished, therefore, to ask the Secretary to the Treasury, whether he (Sir J. Pakington) had been correctly informed as to the nature of the rule in question?

Mr. WILSON said, that the rule in question had been adopted in consequence of a Report of the Printing Committee. It had not, however, been adopted on the sole authority of that committee, but in pursuance of a recommendation of a Committee of the House, of which the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole) was Chairman. The object of the rule was to prevent an unnecessary outlay of public money by the distribution of papers which were in many cases never read; but if hon. Members should think that the new arrangement was productive of inconvenience it would of course be proper that it should be re-considered.

CONVEYANCE OF TROOPS TO INDIA.

OBSERVATIONS.

Admiral DUNCOMBE said, he wished to call the attention of the First Lord of the Admiralty to the policy of re-considering the determination as announced by him not to employ any of the screw line of battle ships in conveying a portion of the troops about to be sent to India. The subject had been alluded to a few nights ago by the hon. and gallant Admiral the Member for Southwark (Sir C. Napier) and upon that occasion the gallant Admiral and himself had exchanged broadsides; but he hoped that as that affair was over, and the smoke had blown away, neither of them would think any more about it. He (Admiral Duncombe) found we had now lying idle in harbour ten such magnificent screw line of battle ships as the *Algiers*, the *Cæsar*, the *Cressy*, the *Duke of Wellington*, the *Exmouth*, the *Hannibal*, the *James Watt*, the *Majestic*, the *Nile*, and the *St. Jean d'Acre*, together with several first-class frigates; and as, with one exception, the whole of those ships were employed during the late war, and therefore had their machinery in perfect order and their engines on board, he imagined that no great length of time would be required to fit them for the conveyance of troops to India, a service in which he thought it would be both politic and proper to employ them. He feared that the number of troops under orders to proceed to India were not all that would be required in the emergency. The Admiralty deserved great credit for having purchased the *Himalaya*, and he wished they had five or six like her, but as they had not he would submit to the First Lord that it would be desirable, even on the score of economy, to employ some of those screw line of battle ships in the way he had suggested. Besides, any one of those ships would take out a whole regiment, an arrangement in every respect more convenient than sending troops by instalments in different sailing vessels. The men would also be much better off in regard to room and other accommodation during the long voyage. The presence, too, of such a squadron off the coast of India would have a great moral effect, and the strong body of seamen they would carry might be made available in case of emergency. He had ventured to call the attention of the First Lord of the Admiralty to this subject, in the hope that the right hon. Baronet might be induced to re-consider the determination recently announced by him, and employ two or three ships as an experiment.

Mr. BENTINCK said, he wished to take this opportunity of troubling the House with a few words, in consequence of two answers given upon recent occasions, by the noble Lord at the head of the Government and by the First Lord of the Admiralty. The substance of the two answers combined was that the country was about to be left in a totally defenceless state by sea and land, and that such a state of things was recognized and concurred in by the noble Lord. The first question to which he referred was, when his hon. and gallant Friend the Member for Southwark (Sir C. Napier) asked the First Lord of the Admiralty whether there were any steam men-of-war fit to carry troops to China, the right hon. Baronet said there were not, and then went on to say there was not a single screw steamship of the line in commission fit to carry troops to India. The right hon. Baronet added that

"He had stated on more than one occasion that he had given up the idea of maintaining a home squadron. The ships in commission were all calculated for home defence, and not for the conveyance of troops."

Now he (Mr. Bentinck) ventured to assert that the ships in commission at our ports at home were as ill-adapted for the purposes of defence as for carrying troops; and he, therefore, contended that the country possessed no adequate maritime defences at the present moment. The other question was put by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli). The right hon. Gentleman asked the noble Lord what were the intentions of the Government with respect to the calling out of the militia in the present year. The answer was one of the most remarkable ever given by a Prime Minister. He (Mr. Bentinck) thought some of the sentences so remarkable that he took them down, and he should no doubt be corrected if he did not quote them correctly. The noble Lord said that there was no intention of calling out the militia this year, because he considered the two previous years' training rendered it unnecessary for the purpose of maintaining the discipline of those corps. But the noble Lord then went on to say—

MR. SPEAKER called the attention of the hon. Gentleman to its being contrary to the rules of the House to refer to answers given by hon. Members on a former evening, and to read those answers in the House in the same Session.

MR. BENTINCK said, he would bow with the utmost deference to the Speaker's decision, but he was very much mistaken if he had not frequently heard the rule infringed. He must throw himself upon the indulgence of the House to allow him to state the substance of what fell from the noble Lord. He would not attempt to read what the noble Lord said, but the substance was that, although he was not prepared to call out the militia in the present year, if anything had happened in Europe which had threatened to involve this country in a war with any European power, and which rendered it probable that we should have to provide for the defence of the country —

MR. SPEAKER again reminded the hon. Member that he was infringing one of the rules of debate in referring in so direct a manner to passages of former debates. It was contrary to the established rule of the House.

MR. BENTINCK said, he was at a loss to know how he was to introduce the subject, which was one of the utmost importance, if he were not allowed to advert to anything which had fallen from the noble Lord. He did not see how he could possibly go on unless he were allowed so far to refer to the statements of the noble Lord, as to call attention to what he conceived to be objectionable and dangerous doctrines promulgated by the noble Lord.

MR. SPEAKER said, that the hon. Member could state his opinion upon anything which had fallen from the noble Lord.

MR. ROEBUCK: Suppose he said "so and so."

MR. BENTINCK, for the purpose of putting himself in order, then, he would imagine that the noble Lord said that, "If anything had happened in Europe which had threatened to involve this country in a war with any European Power, and which rendered it probable that we should have occasion to provide for the defence of the country, it might have been necessary to call out the militia." The noble Lord went on to say—[*Cries of* "Order!"] If the noble Lord went on to say, as he conceived it possible he might, that he imagined there was no probability or possibility of any such contingency of European disturbance, and if the noble Lord gave that as a reason for not calling out the militia this year, he contended that the noble Lord would have held doctrines most dangerous to the safety of the country. He assumed, for the sake of argument only, that the noble Lord had held such opinions, and he appealed to the House whether such opinions, coupled with the answer of the First Lord of the Admiralty, did not substantiate his statement that this country was to be left without defences by sea or land? The noble Lord rested his case solely upon the ground that there was no apparent probability of disturbances in Europe. It would be extremely indiscreet to go into details as to the various causes which might lead to collision between this country and a great European Power. But he thought the House would agree with him that, whatever the apparent security, the snap of one pistol might destroy that security and place this country in hostile collision with one of the most powerful antagonists with whom she could have to contend. He asked the House whether it was reasonable to leave the country totally without the means of defence both by sea and land—whether it was rational for the Government to trust to the chapter of accidents for security? He would place it on a mere commercial basis, and ask whether it was not perfect insanity to leave the country at the mercy of the first comer who might choose to assail her, when by a trifling outlay the country might be placed in a state of security? He did not think that by such false economy as that the noble Lord would retain the support of the House and the good opinion of the people. The matter was one which required the serious consideration of the House; and he hoped that Her Majesty's Government would be able to assure them that the country was not left in the defenceless condition which their own statements would lead people to suppose.

Mr. HORSMAN said, that he was told that an expression had fallen from his lips which, if left unexplained, might be liable to misconstruction. It seemed to be supposed that in something which he said he reflected upon the conduct of two hon. Members of the Bath Election Committee. He was sure that the House would at once acquit him of any such intention. What he meant to say was that there must have been some mistake or slight defect of memory on the part of the noble Lord and the hon. Gentleman, arising from the long and tedious nature of the inquiry in which they had been engaged, but he had not the slightest idea of casting any reflection upon them, and he regretted that any words of his should have been so interpreted.

Mr. DILLWYN said, that he wished to state in reply to the question of the hon. Member for North Warwickshire (Mr. Newdegate) that he could not name the day on which he should bring forward his Motion relative to the oath of abjuration, because it depended very much upon the fate of the measure which the noble Lord, the Member for the City of London (Lord J. Russell) intended to introduce that evening. As he should not be allowed to address the House again, he might take that opportunity of asking the right hon. Gentleman the Chancellor of the Exchequer, in pursuance of the notice he had given, whether the manufacture of pulp parchment is allowed to continue, pending the decision of the Court of Exchequer as to whether or not it is paper; and, if so, under what conditions?

Sir CHARLES WOOD observed that he hoped that the state of confusion into which the House had now got upon the simple question of adjournment would induce them in future to avoid the inconvenient practice of raising debates upon important subjects in such a desultory and unsatisfactory manner. The defences of the country involved a question of the greatest possible interest and magnitude, and ought not to be discussed incidentally, but with becoming calmness and deliberation. He felt bound however to make some observations in reply to the statements of the hon. and gallant Admiral and the hon. Member for West Norfolk, (Mr. Bentinck.) In the first place he begged to assure the hon. and gallant Admiral that the determination of the Admiralty not to employ screw line-of-battle ships for the conveyance of troops to India had not been adopted without careful consideration; and he should add that he saw no probability that they would, on further inquiry, be induced to alter that decision. It was perfectly true, as he stated on a previous occasion, that none of the ships of the line now in commission at home were fitted to carry troops to India or China, although admirably adapted for the defence of our own coasts. Most of them were block-ships which served in the Baltic. They were steamships powerfully armed, capable of moving about the coasts of England or even those of a neighbouring country; but they were not calculated for long voyages to distant places. Two of them, it was true, had been sent across the Atlantic in fine weather; but all of them were vessels of small steam power, and he did not think we should be justified in trusting to them for the conveyance of troops to distant parts of the world. No doubt there were lying in ordinary a great number of line-of-battle ships which might be employed as transports if it were thought advisable so to use them. But there were other services to be performed of at least equal importance. He had stated before that the number of men employed had not been reduced to the number voted by Parliament, and later in the evening he proposed to ask the House to vote 2,000 more. But all the men voted were already employed, nearly all of them on foreign stations, and if he were to commission ten or a dozen line-of-battle ships he must raise an additional number of men before he could send them to sea, which would require several weeks to do. The 2,000 men whom he proposed to ask the House to vote that evening were intended to man a squadron to send to the

Indian Ocean; and, when he was called upon to commission line-of-battle ships for transport purposes, he begged to ask how he was to provide them with crews? On the other hand he could employ the Queen's ships for war purposes, and at the same time call upon the merchant service to furnish vessels for the conveyance of our troops to India or China—a division of labour which he thought would be productive of far more efficiency than if we employed ships of war in the transport of troops. It had been said that we ought to have large vessels like the *Himalaya* for the transport of troops. Now, in point of fact, there were eight ships—not all so large as the *Himalaya*, but nearly so—in employment at the present moment. One of them, the *Transit*, had been often mentioned in that House, and he might mention to her honour that she had made the voyage to St. Vincent in a shorter time than the *Himalaya*. Six of these vessels were now actually employed in conveying troops to India. Perhaps he might be allowed in reference to this transport question, to make a further statement to the House. It had been said that a good deal of injury had been done to the public service by sending our forces in sailing vessels rather than in steam ships. This, however, was a mistake. It was perfectly true that in short voyages steam vessels were far more rapid in performing the passage than sailing ships; but before any particular case could be decided, we must look at the particular circumstances. Long voyages at certain periods of the year were accomplished quicker or as quick by sailing vessels as by steam vessels, and the particular case now under consideration was one of them. Steam power was dependent upon a supply of coal, which must be sent from this country to various stations; now it was not always that an adequate supply could be obtained; while, when it could be obtained, the delay of coaling prolonged the voyage to the time occupied by a sailing vessel. He had recently inquired of the Secretary of Lloyd's what was the average time occupied by sailing ships to India, and he was informed that taking the average of the last three or four years, fast-sailing vessels despatched from this country, at the present season of the year, performed their voyages in from 90 to 101 days, which was pretty much the same time as was occupied by steamers. Some of the Peninsular and Oriental Company's steam vessels had performed the voyage in less time, but those vessels were built for speed, carried little cargo, and consumed much fuel. Steam vessels carrying troops would not be able to take on board so much fuel, on account of the space which would be occupied by the necessary provisions and water for the troops, and the numerous places at which they must call to replenish those stores would cause a delay greater than that which the employment of sailing ships would cause. He found from a statement which had been prepared, that of four steamers which had belonged to the hon. Member for Tynemouth, (Mr. W. Lindsay), and which had been employed under contract to convey mails to Calcutta, the contract time was 74 days, whereas the actual time occupied was respectively 107 days, 121 days, 100 days, and 90 days, making an average of 104 days. Another matter for consideration was, that there had been very heavy demands made lately upon the store of coal collected at the Cape of Good Hope, and although fresh supplies had been sent out, yet they could hardly be expected to arrive in sufficient quantities and with sufficient regularity to meet the requirements of the large number of steam vessels which would be required to convey all the troops now under orders for India. Many troops were going in steam vessels, but he did not believe that any delay would arise from part of them being despatched in sailing vessels to Calcutta.

ARTILLERY FOR INDIA.—QUESTION.

COLONEL NORTH said he wished to ask the Under Secretary for War what force of artillery was to proceed to India, and whether or not they are to take guns, ammunition, and horses, and if not, to state the reasons; also what staff of artillery is to command and direct this force?

SIR JOHN RAMSDEN said, it was intended to send out to India six companies of foot artillery and two troops of horse artillery. They were not to take out either guns or ammunition, as the arsenals of India were amply supplied, and it was desirable that the men should be sent out as speedily as possible, without the delay which would be caused by sending out guns and ammunition with them. With regard to the latter portion of the hon. and gallant Gentleman's question, it referred to a matter of military organization, respecting which he hoped the inquiry would not be pressed.

JEWISH DISABILITIES.

Lord JOHN RUSSELL: Sir, although I am sensible of the inconvenience of pressing too far the privilege which hon. Members possess of introducing questions to the notice of Government upon the question of adjournment of the House to Monday, yet I rise in consequence of the strong feeling by which I am animated, and considering that I owe it to my constituents to ask the decision of the Government with respect to a Bill of which I have given notice. The complaint of my constituents is, that although they have four times elected Baron Lionel Rothschild a Member of this House he has as yet been unable to take his seat here. Successive Governments have attempted to relieve him and his Jewish brethren from the disabilities to which they are at present subject, by passing Bills in this House and sending them up to the other House of Parliament. It has been supposed—and maliciously supposed—that the City of London is satisfied with three Members, and do not insist on or feel the necessity of having any more to represent them in this House. But, Sir, that is not the fact. The City of London is most anxious to have its full share in the representation of the country, but has consented for a time to forego that privilege in order to vindicate another privilege—the great privilege of the people of this country to send Members to the British House of Commons without any reference whatever to their religious predilections. Sir, the House of Lords has now again rejected a Bill which was intended to remove those disabilities. It was supposed hitherto—and I think very naturally supposed—that the majorities of this House having been generally small—sometimes twenty-five or thirty—the House of Lords considered, in that divided state of public opinion, they were not bound to give effect to the wish of the House of Commons. But, Sir, it appears from the late division, that that cannot be the ground upon which they acted, because the last Bill, besides being supported by the whole authority and weight of the Government, had a majority of 140 in its favour on the decisive test with respect to the words "on the true faith of a Christian." It is obvious that we may send another Bill to the House of Lords next year and the year after that; but if so large a majority as that is not allowed to prevail with the House of Lords there is no chance whatever that a Bill in that form will be accepted by that House. Let me say, however, that as this Bill bore the shape of a change in the law, and as the last Bill which we sent up to the House of Lords professed to make a change in the oaths to be taken in this House, it is undoubtedly within the constitutional functions of the House of Lords to refuse their sanction to it. But Sir, a question occurs to me—and I think not unnaturally—it is this: whether the City of London is to rest satisfied with the state of its representation, or whether, on the other hand, we are to be satisfied with defeat on this great question of religious liberty, or whether any other course can be adopted? Now it appears to me that another course can be adopted. The House is well aware that it has been the law for, I believe, two centuries—both declared and acknowledged—that persons in Courts of Justice may take an oath as witnesses, or in any other capacity, in any form most binding upon their conscience. That opinion is declared to have been given in 1657, and a Bill, which upon the proposition of the late Lord Denman passed into an Act of Parliament so late as the first year of the present reign, confirmed it and declared that all persons called upon to give evidence in Courts of Justice are to take the oaths most binding on the consciences of such persons, and that such persons so falsely swearing should be subject to all the pains and penalties inflicted upon those guilty of perjury. But although that is an Act declaring the law, there is this ambiguity about it, that although the words "on any occasion whatever" are contained in it, the question arises whether, as it mentions Courts of Justice only, any higher authority is meant by it, and likewise whether it affects the case of persons in this House. What I wish to propose is that that imperfection in the law should be cleared up, and that it should be declared and enacted that in the High Court of Parliament, as well as elsewhere, and "on all occasions," an oath administered by a person lawfully empowered to administer the same—

Sir HENRY WILLOUGHBY rose to order. He wished to ask Mr. Speaker whether the noble Lord was at liberty to discuss a question on the Motion for adjournment of the House till Monday, when a notice involving the very question itself was on the paper of the day?

Lord JOHN RUSSELL: The present question is that the House at its rising do adjourn till Monday, and if it is not competent for me to address the House upon this question out of order, I can soon put myself in order by moving that the House do now adjourn, and I do so with a view of enabling the Government to declare what they will do on this occasion affecting the rights of the Jewish portion of the population.

Sir HENRY WILLOUGHBY said, that with all due respect he would again submit that the noble Lord was out of order. A Motion now stood in the name of the noble Lord, having for its object the introduction of a Bill in reference to a certain statute there named, and the noble Lord was now discussing a question which would come regularly before the House at a later period of the evening.

Mr. WALPOLE: Perhaps I may be permitted to say a few words upon the point of order. I rather think, Sir, your predecessor in the chair always laid down the rule that, although we have deviated widely from regularity in our proceedings upon this question of adjournment, yet he held it was not competent for an hon. Member to take advantage of this Motion, in order to speak upon any other subject relating to which there was a notice of Motion upon the paper of the evening. I mention this in order to put you, Sir, in mind of what has been the ruling in these cases. The noble Lord, as I understand, is now adopting another course, and proposes, in order to put himself right, to move the adjournment of the House, as an Amendment on the Motion that the House at its rising adjourn to Monday. By so doing I believe that the noble Lord would be acting strictly in accordance with the practice of the House, although he was not in order before; but I would venture to put it to the noble Lord himself, the greatest authority in this House, whether he would not be rather increasing the irregularity into which we have fallen by pursuing the subject at this moment.

Mr. MALINS: Although the noble Lord is undoubtedly a great authority in this House, yet nothing is more clearly understood than that this is an order night, and that on such a night, the orders of the day have the precedence. The noble Lord has a notice upon the paper of a Motion for leave to introduce a Bill, and I am certain that many Members have gone away under the impression that it was impossible that the subject could be brought on until after the orders of the day had been disposed of. It would take those hon. Members greatly by surprise, and I believe also that it would take the public greatly by surprise, if the noble Lord were now to proceed with his Bill.

Mr. SPEAKER: I desire on the subject of order, in the first place, to pause for a moment to remind the House of the extreme inconvenience of the course which has been pursued this evening. A multiplicity of questions have been discussed upon the one Motion, that the House at its rising do adjourn till Monday next, and confusion in discussion is the result, which is greatly to be deprecated. With respect to the question which has been addressed to me by the hon. Member for Evesham (Sir H. Willoughby) I feel that no duty is more imperative upon me than that of preserving the order of business, as it is laid down by the House for the day; and it certainly is my opinion that, as the noble Lord has given notice of a Motion for this evening, it is going beyond the irregularity into which we have been already led to take advantage of the Motion that the House at its rising adjourn to Monday, for the purpose of anticipating that notice of Motion, and raising a discussion upon it.

Lord JOHN RUSSELL.—With respect of the point of order, I may perhaps be permitted to say, that in the course of this very evening different Members on either side of the House have entered into questions which properly belong to Committee of Supply, and which must be discussed in Committee of Supply this very evening. My right hon. Friend the First Lord of the Admiralty, though he reprehended the practice, yet immediately followed it, and entered into that which ought to have been discussed in Committee of Supply. Having, however, been misled probably by that very high authority, I am ready to say that I have a particular object in view, from which I will not be deterred, and I shall therefore make myself perfectly in order by moving the adjournment of the House. My particular object is to know whether, supposing the House consents to my bringing in a Bill with respect to which I will not say a single word more, the First Lord of the Treasury will agree to appoint a day, fixed for Government business, on which that Bill can be discussed? It is obvious that unless that is done, and unless that is an early day, there is no chance of that Bill going up to the House of Lords. It is a Bill on which depends a question of great public importance; and certainly I conceive it ought to be discussed before an hon. Member for Swansea (Mr. Dillwyn), brings forward a Motion for the purpose of putting Baron Lionel Rothschild into his seat by a Resolution of this House, which may involve us in a perilous conflict; and therefore I take the opportunity of pressing for an answer to my question, whether, if I am allowed to bring in that Bill, a day will be given for its consideration? The noble Lord concluded by the formal Motion for the adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."

Mr. T. DUNCOMBE: I think that the noble Lord the Member for London was perfectly in order when he commenced his observations, seeing that he had to complain of a wrong done to his constituents, inasmuch as one of the Members returned by them is not able to take his seat in this House; but I certainly think with the right hon. Gentleman, the Member for the University of Cambridge (Mr. Walpole), that he was not in order in alluding to the notice of Motion which he had on the paper. At all events, it has been my misfortune, Sir, to be stopped more than once by your predecessor when I have alluded to a notice for a Bill which I had on the paper, and when I have spoken under similar circumstances. I rose, however, to remind the House of one fact, and that is that we have not upon our journals any record of the wrong that has been done to the citizens of London. Baron Rothschild has not attempted during this Parliament to take his seat, and you have no right to assume what the House would do if he did attempt to take it. The House may arrive at a different conclusion from that at which the last House arrived. On a former occasion, acting under the influence of the noble Lord, the House decided that it could not assent to the proposal made by one of the Vice Chancellors of England, Sir William Page Wood, that Mr. Alderman Salomons had taken the oath in a manner binding on his conscience, and that he therefore was at once at liberty to take his seat. I would suggest that the hon. Member for the City of London (Baron Rothschild), should present himself at the table before any hasty steps are adopted, and be refused his seat on account of not swearing those words "on the true faith of a Christian," although he should affirm that he has taken the oath in a manner binding on his conscience. It would then be competent for any hon. Member to move a Resolution that he, having taken the oath in the manner most binding upon his conscience, should be at liberty to take his seat. I voted for that Resolution on a former occasion. I am prepared to vote for it again, and I am not at all sure that the Bill of the noble Lord would not weaken our position in that respect. I wish now, however, to remind the House that the citizens of London have not upon the journals any record of their wrong, which, in my opinion, should appear before we proceed any further.

Viscount PALMERSTON: With respect to the question put by my noble Friend, all I can say is that of course I presume that the House would, as matter of courtesy whatever the opinions of any hon. Members may be on the question itself, allow my noble Friend to obtain leave to bring in his Bill. As to the suggestion that a day should afterwards be given to him for its discussion, my noble Friend must consider that there are many very important matters connected with the country still under discussion in this House, and that our days are numbered. Therefore it is impossible, until the public business shall have advanced in a more certain manner, to promise any hon. Members that I will give them, at an early period at least, a Government day for the discussion of the Bills which they may think it advisable to bring in. I am afraid this answer will not be satisfactory to my noble Friend, but it is really all that I can say at present consistently with my public duty.

ISTHMUS OF SUEZ CANAL.

OBSERVATIONS.

Mr. GRIFFITHS said, he rose to call the attention of the House to the question, Whether, in their deliberate opinion, it be conducive to the honour or the interests of this country that we should manifest and avow the existence of a jealous hostility on our part to the project of a Ship Canal through the Isthmus of Suez; or whether, on the contrary, it would not be more in accordance with the character for disinterested impartiality, which we seek to maintain, if we were to leave that subject without prejudice, to be dealt with by the natural, physical, and engineering difficulties which surround its execution? Though he could understand the difficulties in an engineering point of view which had been suggested, he could not understand why or how the opening of the canal, if accomplished, should be adverse to the interests of this country, or why not extremely conducive to our national advantage.

VISCOUNT PALMERSTON: My hon. Friend has had the courtesy to give me notice of this matter, and I collect from my hon. Friend's letter that he wishes to know whether, in the answer which I gave on a former occasion as to the project to cut a canal of 300 feet wide and 30 feet deep between the Mediterranean and the Red Sea, I expressed a hasty opinion, or whether I did not display more jealousy of foreign powers than it was expedient to express, whatever foundation there might be for it. Sir, in reply, I can only say, that whatever objections I may have expressed at any time with regard to that project, I endeavoured rather to understate than to overstate. It is a plan which, in my opinion, is founded on views inconsistent with the interests of this country and at variance with its settled policy. In a political point of view, it is objectionable as regards England, especially in connection with our Indian possessions; for it is plain, that if a great canal were cut from the Mediterranean to the Red Sea, there are other naval powers with which we may have difficulties, which would have a very important start as compared with ourselves with regard to any operation that might be undertaken in the Indian Seas. Moreover, I consider it is a plan which has for its object the separation of Egypt from Turkey, which it has always been the policy of Great Britain to prevent, and which the French Government of the present day has abandoned, because that Government, acting loyally and in conjunction with the other States of Europe, by the treaty of Paris entered into an engagement to preserve the integrity and inviolability of the Turkish empire. Politically, therefore, I look upon the scheme as highly objectionable, and one which no Englishman with his eyes open would think it desirable, as regards national interests, to encourage. As regards the engineering difficulties, I am aware there is nothing which money and skill cannot overcome, except to stop the tides of the ocean and to make rivers run up to their sources. But I take leave to affirm, upon pretty good authority, that this plan cannot be accomplished, except at an expense which would preclude its being a remunerative undertaking; and I therefore think I am not much out of the way in stating this to be one of the bubble schemes which are often set on foot to induce English capitalists to embark their money upon enterprises which, in the end, will only leave them poorer, whomever else they may make richer.

MR. STEPHENSON said, he would not venture to enter upon the political bearings of the subject with respect to the other powers of Europe, but would confine himself merely to the engineering capabilities of the scheme. He had travelled, partly on foot, over the country to which the project applied, and had watched with great interest the progress that had been made by various parties in examining the question. He had first investigated the subject in 1847 in conjunction with M. Talabot, a French engineer, and M. Negrelli, an Austrian engineer. At the suggestion of Linant Bey, a French engineer, who had been upwards of twenty years resident in Egypt, and feeling how important was the establishment, if possible, of a communication between the Red Sea and the Mediterranean, he had qualified himself to form an opinion on the subject. It had been received on the authority of an investigation of the levels taken by the French engineers during the invasion of Egypt about 1800, that, as stated by the ancient writers, there was a difference between the levels of the Mediterranean and the Red Sea of something like thirty-two feet. It was suggested at that time that the old canal might be opened out again, and that a current might be established between the Mediterranean and the Red Sea of from two to three miles an hour, which velocity of water would not impede the communication between the Mediterranean and the Red Sea, as steam tugs might be employed, and the canal might at the same time be kept perfectly open, as the scouring power would be adequate to maintain a clear channel. He went into this scheme under the belief that that difference in level did actually exist. The examination was made by himself and the gentlemen, with whom he was associated, in 1847. They had not any idea, at that time, that if there was no difference of level, it would be practicable for a canal to be made in the first instance, or that it could be maintained afterwards. After investigation, however, it was found that, instead of a difference of thirty-two feet, there was no difference of level whatever, at the period of low water, although for a period of fifty years the world had been under the impression from the published statements and levellings of M. Lepère, that a difference of thirty-two feet existed; and whilst it was supposed to exist, it was believed by professional men that a canal might be maintained, or that, as it was called, a new Bosphorus might be formed between the Red Sea and the Mediterranean. But when the difference of level was found to be *nil*, the engineers with whom he was associated abandoned the project altogether, and he believed justly; and one of them (Mr. P. Talabot) made an adverse Report, which was published in the *Révue des deux Mondes* of May, 1855. Since then he had travelled over the Isthmus to Suez, and over other parts of the Desert, and had investigated the feasibility of making a free communication between the two seas, on the supposition that they were on the same level, and on the supposition that water might be supplied from a higher level—as, for instance, from the Nile. He might, however, say, without entering into professional details, that he had arrived at the conclusion that it was—he would not say absurd, because engineers whose opinions he respected had been to the spot since, and had declared the thing to be possible; at all events, if feasible (and as the First Lord of the Treasury had said money would overcome every difficulty), yet, commercially speaking, he frankly declared it to be an impracticable scheme. What its political import might be he could not say, but as an engineer he would pronounce it to be an undesirable scheme, in a commercial point of view, and that the railway (now nearly completed) would, as far as concerned India and postal arrangements, be more expeditious, more certain, and more economical than even if there were this new Bosphorus between the Red Sea and the Mediterranean.

STATE OF INDIA.—OBSERVATIONS.

MR. DISRAELI: Not having yet contributed to the *olio* of subjects which have been brought before the House, I hope I shall not be thought to take an extraordinary advantage of the latitude allowed on these occasions, if I now venture to bring forward my share. The noble Lord at the head of the Government has just told us "our days are numbered," but I may remind the House that if our days are numbered our duties at this moment are multiplied. I really think the House would abdicate its functions and place itself, as regards the country, in a most ignominious position, if it allowed this Session to close without a discussion in this House on the present state of India. I think it is one of our first duties to consider the present condition of our Indian empire, I understood the noble Lord the other night, when he proposed to place some papers on the table, to say that he did not suppose that any hon. Gentleman could possibly wish to discuss the important question of the state of India without first reading those papers. Now, I was told last night by a Minister peculiarly responsible for the production of those papers that, so far as the narrative was concerned, those papers were ready and would be laid on the table this evening, but with respect to the other papers some delay would occur in their production. Now, I understand the delay is, or may be, occasioned by the following reason:—There was a wish expressed on my part, and I believe it was very generally the sentiment of the House, that the papers should not be confined to a mere narrative, but that the despatches should be placed on the table which had been written nine or twelve months previous to the occurrence of the recent events in India, so that we might be put in possession of the Reports of the Indian Government with respect to the state of that country at a time considerably before the late occurrences. We were informed by the Minister that no warnings, the rumour of which was freely circulated, had ever been given by the Indian authorities to Her Majesty's Ministers, and I am led to believe, from what reaches me, that the Ministers at this moment are studiously searching their offices for these warnings, of which there had been a rumour, and until they should be discovered, or until all the papers in the possession of the Ministers should be investigated, we shall not be in a position, according to the view of the noble Lord's declaration, to enter on this important discussion. The House will see, especially in the month of July, that when there is on the part of the Government a search for papers which are to prove a negative, that search may be of considerable length, and it is not at all impossible that the

House may at the last hour of the Session be informed that it has been fruitless. I for one made no charge against the Government that they had disregarded warnings which had been addressed to them by functionaries in India. I only wished, as everybody would wish, that as rumours of these reports having been circulated, the Government should inform us whether they received them. It is to me a matter of no importance whether they received these warnings or not; and therefore I trust that, as there will be placed on the table to-night papers which give as much information respecting recent occurrences as Her Majesty's Ministers think necessary—I will not say for the justification, but for the explanation of their conduct and the illustration of the course of affairs, the noble Lord will see the advantage to the country, to the Government, and to Parliament, of appointing an early day on which the attention of this House may be called to the state of our Indian empire at the present moment. The noble Lord the Member for the City of London, spoke rather deridingly the other evening of my observation, that we wanted some information as to the cause of these occurrences. "I am of opinion," said the noble Lord, "that what we want is not information as to the cause of these occurrences; what we want to know is whether the Government contemplate the use of means sufficient to put an end to these disasters." With great deference to the noble Member for London I maintain that it is totally impossible that we can form an opinion as to the sufficiency of the measures adopted by the Government to encounter these great contingencies, unless we have some general idea of the cause of their occurrence. Why, we were told last night that these extraordinary events have been occasioned by a sudden impulse of the soldiery, arising out of some superstitious feeling. If that be the true view of the case, and it is the view of the Cabinet, I can easily understand that measures of a very energetic, but, comparatively speaking, superficial character may be competent to encounter the difficulties which meet us; but if the cause be deeper, if it be one of longer standing, if, instead of being the sudden impulse of a disaffected or affrighted soldiery, this is the result of an organized conspiracy in a nation of immense population, then it may be that the means which the Government propose to adopt are not adequate to the greater cause; and therefore I say that in discussing this question, which I trust we shall all approach with the calmness which so great a subject requires, we must take a wider view of what is the duty of the House of Commons than merely to ask the Government how many regiments and how many ships they are going to send out to put an end to these disasters. Now, Sir, I should propose on the earliest occasion which is consistent with due notice, and, of course, with the convenience of the Government, to ask the House to consider the present condition of our Indian empire with these two objects—to arrive before the prorogation at some general conclusion as to the causes of these great calamities, and to ascertain whether the means used by the Government are adequate to the occasion. I believe that these are two great duties of Parliament, and I am sure that, to use an Indian phrase, we shall, indeed, lose caste with our country if we shrink from a discussion of that kind. I should hope that in a few days these papers will not only be upon the table, but will be in the hands of hon. Members, and may be well digested; and what I now propose to the noble Lord is that he should fix as early a day as convenient on which this subject may be brought forward. I shall on that occasion make a Motion—a Motion of course not conceived in any spirit of hostility to Her Majesty's Government, or intended to obtain a party triumph, or to occasion party inconvenience to the Ministry, but having for its object to place before the House the ideas which have occurred to myself and to others upon this subject, and to permit hon. Members generally to offer their opinions upon the gravest and most momentous events which have occurred in our time. If the noble Lord will consent that on this day week I shall call attention to the state of our Indian empire, that will, I should think, be convenient to the House—it will be that which the country expects, it will give ample notice to hon. Gentlemen who may be absent, and will, I should imagine, fairly consult the convenience of the Government. If the noble Lord accedes to this suggestion, I shall on this day week call the attention of the House to the condition of our Indian empire.

Viscount PALMERSTON: I am quite ready to admit the position which the right hon. Gentleman has laid down, that it will be expected by the country that this House shall, before it separates, seriously give its attention to the state of affairs in India.

At the same time, as I stated on a former occasion, I should think that the House would wish to have an opportunity of reading the papers before the debate comes on. These papers will be ready in a very few days. My right hon. Friend the President of the Board of Control has been looking through them, and I think he will without difficulty be able to make a selection which shall go back for such a period as will give all the information which may be required. The right hon. Gentleman proposes to bring forward the subject on Friday next, but I would submit to him this consideration. The probability is that about the end of next week we shall have another mail for India. That mail cannot fail to bring intelligence of considerable importance, especially with regard to the occupation of Delhi, and I would, therefore, submit to the right hon. Gentleman whether Monday week would not be a better day than Friday, and whether it is not likely that on that day the House will have fresh intelligence, which may have a very considerable bearing upon the consideration of this question. If that day suit him we will take care that Monday week shall be free.

MR. DISRAELI: I accept the offer of the noble Lord, and quite acknowledge the expediency of waiting for fresh intelligence if it arrive in reasonable time. Probably it may reach us before the day named, and, therefore, we will understand that on Monday week this question will be introduced to the consideration of the House.

MR. ROEBUCK: The right hon. Gentleman gives us to understand that he will propose certain Resolutions,—will he inform us whether they will be laid upon the table some time before he moves them?

MR. DISRAELI: At the present moment I do not wish to bind myself as to the form of my Resolution, which will not be such as to require that it should be laid on the table before it is considered. My original intention was to move for papers, which I thought might probably not be presented by the Government, and to offer reasons why they should be given. After what has occurred it is not impossible that they may appear, and until the papers are produced I must excuse myself from placing any Resolution upon the table.

THE CHANCELLOR OF THE EXCHEQUER said that he wished to state, in reply to the question put to him by the hon. Member for Swansea, (Mr. Dillwyn) at an earlier period of the evening, that an arrangement had been made by the Inland Revenue Department with the manufacturer of this article, that he should continue its manufacture until it was decided whether or not it was liable to duty, he entering into conditions to pay the duty in case the decision was against him.

Motion, by leave, *withdrawn*.

Original Question put and *agreed to*.

House at its rising to adjourn till Monday next.

LAMBETH ELECTION.—JOSEPH TREDRE.

MR. INGHAM said, that he had given notice of his intention to move that Joseph Tredre, then in custody of the Serjeant-at-Arms for disobedience to a summons to attend before the Lambeth Election Committee, should be discharged on payment of the fees. Since he had come to the House, however, they had received a petition from this person, in which he prayed that, as he was suffering from great distress, the House would consent to his discharge without the payment of the fees. Although the absence of this man was very wilful and blameable, it did not appear to have been the result of concert with any party before the Committee, and when he did appear, his evidence, which was not of very much value to the inquiry, seemed to be given truthfully. Under these circumstances he asked leave to bring up the petition, and to move that the man should be discharged without paying the fees.

MR. ROEBUCK thought, if a person who had disobeyed the orders of the House, and who had consequently been taken into custody, was kept a little while in prison, it might do him some good.

COLONEL FRENCH was of opinion that the House ought to agree to the Motion.

MR. INGHAM said, that Tredre had already been in custody four days.

Ordered, That Joseph Tredre, now in custody of the Serjeant-at-Arms attending this House, be discharged without payment of his fees.

DEFENCES OF THE COUNTRY.

Order for going into Committee of Supply read.

MR. BENTINCK said, the answers which had been given to questions addressed to the noble Lord at the head of the Government and to the First Lord of the Admiralty, led him to the conclusion that the defences of the country were in a most inadequate and defective state. He had to-night put a question on the subject to the noble Lord, but as he had not succeeded in eliciting any answer or explanation he begged to give notice that he would take the earliest opportunity, on going into Committee of Supply, of bringing the condition of the national defences under the notice of the House.

Viscount PALMERSTON: I can assure the hon. Gentleman it was from no disrespect to him that his question was unanswered, but really such a multiplicity of subjects have been dancing before my eyes that his inquiries escaped my recollection. I do not agree, however, with the hon. Gentleman that the country is in a defenceless state. On the contrary, I consider that we are adequately provided against any emergency that can arise, and we have ample means of increasing our defences if it should be necessary to do so. I do not think the public money would be wisely expended in calling out the militia at the present moment, because I don't think their services are at all required. Such a course would not only involve a waste of the public money, but also a very unnecessary interference with the industry of the country, and would be attended with great inconvenience both to officers and men. I think, therefore, it would be a very unadvisable proceeding. We have the militia, with all the military experience they have acquired during the war, and if from any unfortunate course of events their services were required, I am quite sure the shortest notice would be sufficient to bring them under arms in defence of the country. I must say, therefore, that I totally disagree with the hon. Gentleman in his opinion that the country is devoid of proper defences, and I shall be quite ready to maintain my view whenever it may suit him to call the attention of the House to the subject.

Motion made and Question proposed, "That Mr. Speaker do now leave the chair."

INDIAN RAILWAYS.—OBSERVATIONS.

Mr. WATKIN said, he had, he believed in deference to the wish of the House, last night postponed his Motion in reference to the Indian Railways, and he now rose to move it. The question had a vital bearing upon the subject of India, and was, in fact, evidence in that important case which would shortly be debated —bearing upon the state and prospects, the successes and the mistakes, of our policy and our empire in the East. He repeated his statement already made to the House that had that system of arterial railway communication, which had been projected by private enterprise and approved by the East Indian Company, been completed, as he should prove it might, and ought to have been before now, the same mail which brought the news of the insurrection in India would have also conveyed the intelligence of its summary conclusion and signal chastisement. He could call in evidence to prove this, the opinion of high military authorities in that House, who would bear him out in stating that had the railway communication which had been projected upon paper, and was now in progress, been completed, the forces of the Crown and of the India Company could have been directed in such overwhelming numbers and with such rapidity upon the mutineers, that instead of that confidence which our temporary weakness had produced—and the results of which had covered us with shame—panic, flight, and submission must have been the result. What had happened? A mutiny or revolt had taken place—unexpected but organized and sudden. One day's licence, unchecked and unpunished, had scattered the flame of revolt over a district of hundreds of miles in length; and we were now to be contented, while the rebels held Delhi, with the fact that a small band of our troops had been able to take six-and-twenty field guns outside the walls. This revolt had disturbed the public mind at home and abroad. It had damaged our *prestige* with our Allies and our enemies alike, and its repression now, in the plentitude of its licence, would entail a cost of millions, and an annual increase of our taxation for a long time to come. He again repeated that had these railways been completed as long ago as they ought to have been, the mischief would have been crushed in the bud. He should be told that this was a mere practical question—so many miles of railway. So it was. But these practical questions were at the foundation of all political success. Success in anything was the mere reflection of labour and of forethought, and the fashion to contemn practical questions had over and over again, and most signally in the Crimea, led to national disaster and defeat. In

India we were holding a vast country by concentration and *prestige*. The population were becoming every day more instructed in the secrets of our weakness as well as in the causes of our power. If we refused to progress in organization, as they progressed in knowledge of us, that measure of comparative superiority which had enabled us to rule, would bit by bit disappear, and when once the conviction of our power had become weakened in the native mind, we should never again be able to hold the country with a handful of Europeans, directed from Leadenhall Street or Cannon Row. Railway communication meant both industrial development and military strength. It meant that power to concentrate men and guns, on one point from all other points, and in all seasons, which made a small army in India more powerful than a large one. Let the House consider the case of troops coming as they now were from the seat of war in Persia. Those troops now would come in all probability by Bombay, and then overland, or would be sent round to depôts by Calcutta and the Ganges, and thence be marched to the scene of operations. He would not now speak of the route of the Indus. The representatives of the East India Company in that House would not deny that had these railways been completed from Bombay to Delhi, these troops would have been before Delhi equipped and in order of battle in three days from leaving the ship. Would any one of the Members representing India get up in his place and say, that by any route or means whatever these troops could now be conveyed in thirty days? He believed that, according to circumstances, and to the weather, and the route, it might be thirty days, or it might be ninety; and if a thousand men were sent by the present slow and uncertain routes, disease and loss of life always accompanied the march, which need only be long enough to decimate the contingent. Here was the whole question. India, then, had been imperilled by the delay of her railways. Now, railways were first brought before the India Company and the Board of Control in 1843. Parliament had chosen to assume a portion of Indian responsibility by allowing a third of the India Board to be nominated by Government. The India Board was, therefore, two-thirds commercial, and one-third governmental. Hence the Treasury Bench became responsible. Railways were first completed in England in 1830; they progressed in America and in other parts of the world; but, he repeated, they were only thought of for India in 1843. The India Company met the proposition not only with remonstrance, but with positive resistance—and at last, forced to bend to the progress of the age, they encountered the innovation by a system of suicidal interference and control which must be fatal to the rapid progress of any industry. Knowing what he did, it was not matter of surprise to him that, dating from 1843, 1857 should only witness the completion of 358 miles of railway in India! Yes, 358 miles were all; and over that small length of opened railway he supposed the Board of Control would to-night sing a song of triumph. There could be no question as to the importance of these works, especially in reference to the cultivation of cotton. Even the Chairman of the East India Company, the hon. Member for Guildford (Mr. Mangles) stated before Mr. Bright's Committee, in 1848, that, sooner than they should be delayed, they should be constructed at the public expense. Well, then, the works being so important that the hon. Member would have actually constructed them out of the Company's own funds, how was it that they had been delayed? If the House would refer to the map which he held in his hand, they would see that the arterial lines proposed for India were, first, the East India Railway, from Calcutta along the valleys of the Ganges and the Jumna. This line was first considered in 1845, was first guaranteed by the India Board in 1849, and again in 1854, and only 121 miles, out of a total in progress, or to be made, of 950 miles were opened. Then there was the Great India Peninsular, gazetted in 1843, guaranteed in 1849, and again in 1853; 88 miles only opened, and 1,103 miles in operation, but not yet opened. Then the Madras Railway, gazetted in 1849, guaranteed in 1852, and a further extension in 1855; 73 miles only opened, and 827 more still to open. There were also the Scinde and the Bombay and Baroda. There were also as projects the Oude, the Great Southern, the Eastern, Bengal, &c. But the arterial system shown on the map extended from Madras on the south-east to Cochin on the south-west coast of India, and going north-west to a junction with the Bombay line, and kindred systems extended northward to Delhi and on to Lahore. Then the East Indian came from Calcutta north-west, to a junction with the north line; while a central line would come east and west, and an arm of the system penetrate to Nagpoor. All the Presidencies, all their more important ports and all the military centres were thus to be put in communication. Was he wrong, then, in stating that had these lines been made, troops and stores could have been poured from every portion of India to the seat of mutiny, and the revolt would not have been a month old in success as it was at the date of the last accounts? Why should not these lines, so tardily projected, have long ago been finished? Look at our own country and America. Before a single sod was cut in India we had 6,000 miles of railway open in England, and 8,856 in the United States. In America, with its population of 27,000,000 souls, 26,000 miles of line were now in active work. In the United Kingdom we had 8,307 miles with a population of 30,000,000, while in India, under the parental rule of the India Company, and of the Board of Control, its partner, we had only, at the date of the last accounts, 358 miles of single line open for traffic with a population of 150,000,000 souls. He repeated, why was it? Why even our colony of Canada with its 3,000,000 of people had beaten all India. In 1853 it sanctioned the Grand Trunk Railway; in October, 1856, 853 miles of that railway were actually open and at work for traffic, and Canada had now to boast of some 1,500 miles of railway, while India, that mighty empire, rejoiced over 358. The causes of delay and of failure, for delay was failure in India, could be easily understood. First, there was the original opposition and unaccountable blindness of the India Board in 1843 and 1844. The Board actually turned out the Bill for the Great Indian Peninsular in that House. And here he might allude to an opinion from the hon. Member for Whitby (Mr. Robert Stephenson) who had so much interested the House that evening in reference to the proposed Canal across the isthmus of Suez. In a Report on the Great Indian Peninsular in 1847, Mr. Stephenson said—

> "It is much to be regretted that in dealing with the subject admitted to be of so great importance to cotton-growing India and to cotton-manufacturing England, and in the pursuit of which the conduct of the railway company has shown them to be persevering and sincere, that the East India Company should not have felt it prudent to follow the example so recently shown by Her Majesty's Government, both in prompt attention to the proposals made and in the liberality of the terms accorded. It is quite impossible to advise the Great Indian Peninsular Railway Company to limit themselves under terms such as those now offered by the East India Company, since to do so would be to expose themselves to almost certain losses, not arising necessarily out of the undertaking itself, and to bring utter discredit upon the whole cause of railway communication in Western India."

Then there were the obstacles presented through the passive resistance of a party at the India House, which heretofore had resisted all improvement; and more important still, there intervened that system of minute interference and control, and of ironbound routine, which forbad all rapidity and all energy. Then, again, the contracts of the Indian House with the Railway Companies were not framed so as, in any case, to ensure rapid execution or simple and cheap construction. They guaranteed a fixed per centage upon the cost, and they fixed no time to complete, instead of giving a guarantee upon a fixed or maximum sum and stipulating for a fixed time for completion. Thus they found original opposition, passive resistance throughout, red tape and routine, and defective schemes of contract. Again, the India Company, in the present state of its finance, seemed to have a direct interest in keeping the monies of the railway companies in hand rather than in having them rapidly invested in productive works. The Indian railway companies were too large; they had become monopolies; and they were money lenders to the India Company. Let him call attention to some of the facts. The East India Railway had opened 121 miles of line only; it had issued, however, twenty-one half yearly Reports. It had called up £6,700,000; it had laid out in works £5,900,000, and it had a balance in the hands of the India Company of £847,000. Then the Madras Railway Company had opened seventy-three miles; had issued ten half-yearly Reports, had called up £2,313,000, had spent £1,340,000, and had, to quote its Report, "in the hands of the Honourable East India Company," £970,000. Then the Great Indian Peninsular which had issued fifteen half-yearly Reports, and had opened eighty-eight miles of line, had called up £3,039,000, had expended £1,424,000, and had in the hands of the East India Company £1,600,000. Thus the East India Company had possession, in its own till, of nearly £3,500,000 sterling belonging to three Indian Railways—enough to complete 600 miles of line of itself—and thus in these times of Indian disaster we possessed 358 miles of opened railway, when 1,000 might have saved us. He had quoted England, Canada, and the United States of America. Was there any radical difficulty in making railways in India? Remarks had been made in that House about cheap railways in India. Some comparison existed between the cheapness which meant inefficient, and the cheapness which yet enabled permanent, construction. Railways could be made cheaply in all countries; it was a question of land and of the nature of the ground. In the United States railways were cheapened often by the use of timber, which was the material of a good part of the country. In India, generally speaking, timber was not the cheap material for railways which it was in America. The cheap material for all railways was, practically, the material on the ground. That material was in India brick-clay and stone, as in America it was often timber. Thus cheap railways in India need not involve timber structures, and cheapness and permanence might be synonymous terms. Now, in America there was not much to pay for land and less for Parliamentary expenses and law, while in England we paid dear for both. In India, Companies had no law to pay for, and the land was to a great extent given to them. The material, with the exception of iron and metals, which both in America and in India were mostly derived from this country, was found on the spot or in the country itself. Then as to labour, in India, it was paid for by pence a day, while in America and in England it was paid for by shillings; and the labour of India was more cheap and more docile than that found in America. Now, apart from the faulty construction of the contracts with the railway companies, and the excessive magnitude of each company's operations—1,200 or 1,500 miles being conceded to one single company, where the energies of two or three companies ought to have been called into play—also for financial reasons—the vexatious and absurd routine of Indian inspection and control was enough to account for much of the difficulty. The India Company claimed the entire surveillance, almost the entire management. They checked, and controlled, and criticised, and the work was impeded accordingly. That interference was most injurious. We sent out hard-working and experienced engineers from this country, and they met with obstruction and contumely. Who did they find to control them? Why, military engineers, who had never seen a railway before in their lives. These men were, perhaps, excellent military engineers—men who ought to have been at Sebastopol, for at all events they could not have disappointed the country more than the engineers who were sent there—and these men ordered, and countermanded, and interfered, and stopped the pay, and made confusion quite confounded. These men had issued the most ridiculous orders. At the beginning some of them had actually ordered gradients of one foot in 1,000 to be made *level*—and long and expensive banks were now to be seen across the "paddy fields," on the Ganges, in consequence of this most ridiculous order. Then later on, and within the last year or two, an engineer on the Madras line had ordered a return gradient of one in 120 and one in 140 to be amalgamated and made one in 130, which was done, and the result was an excess of expenditure of some thousand pounds, three months' delay, and, after all, a worse line for practical working. These were two instances out of hundreds.

But the interference and routine began from the beginning. For instance:—first, the Secretary of the East India Board is *ex-officio* a director of all the lines, and has a veto in England. Suppose he *approve*, then the India Company's Direction, and, after them, the Board of Control may *disapprove*. These three bodies can, therefore, each veto all the appointments of the Railway Boards. Suppose an Engineer appointed under this system where the line is executed by the railway company and not by contract. He requires materials to be sent from England:—First, he applies to the Agent or Committee in India; then the Agent goes to the Government Consulting Engineer; the Consulting Engineer goes to the Governor in Council; and, if he approve, the application comes back to—1. Your Consulting Engineer—2, Your Railway Agent: who sends on to (1) the Board in London; who, (2) send on to the Consulting Engineer, who, if he approve, gets tenders, and the Board (3) send it on to (4) the India Company's Board, who send it on to (5) the Board of Control, and (6) so back to India. This was the course in England. In India all the plans and drawings of works were submitted (1) to the Government Engineer, who (2) submits to the Local Government, who approve or discuss before the work is begun. All this is done in long letters, and in true red-tape style, hanging up work, often for months and years. Now, he declared unhesitatingly that if such a system were adopted in this country, or in America—if it were employed in our banks, or our commercial houses, or in any large trade—the business of the country could not be carried on, and the word "progress" would soon be obliterated from our vocabulary. Referring again to the Madras Report, he found in this book hundreds of pages filled also with small details, down almost to the glazing of a window, some most startling facts. The military engineer in this case was a Colonel Pears, no doubt a good millitary engineer, but clearly quite unaccustomed to the employment and utilization of labour as a commercial question. The gallant colonel was at sea when he attempted railways. The Madras Railway, slow as had been its progress, had been held up as an example, and its staff of engineers would have long ago completed the works if they had been let alone. But, in fact, they had been in a state of chronic mutiny ever since they were placed under Colonel Pears. [The hon. Member then read some instances of intermeddling, among them the case of the removal of two bath-rooms or water-closets, which would have cost about £20, which proposal after going through a long routine was finally "approved by the right hon. the Governor in Council."]

But he had a Report before him from a gentleman well-known in England and in India, namely, the Chairman of the Scinde Railway, which further illustrated the system. In the third Report of the Directors of the Scinde Railway Company it was stated that the Company had been three years in progress, that there was a paid-up capital of £332,000 lying idle, of which £218,000 was in the hands of the East India Company. Nine miles had been surveyed and levelled, when the authorities stopped the proceedings because they had not decided on the exact *route* to be adopted! Nine lines surveyed (now a tenth) three years time lost, and the India Company in possession of the money! The Reports of other Indian Railway Companies also stated that immense sums of money have been paid up; that a large portion was in the hands of the East India Company; and that a vast deal of money is actually uselessly dispersed over India, in half-finished and straggling works, owing to the suicidal system adopted. He ventured to assert again, and on authority which could not be disputed, that if the India Company would give free scope to the engineering staff, and say to the Railway Companies "complete your lines without more interference," that in two, or at most three years, every one of the arterial railways of India could be completed. The causes of failure were still at work. The evil continued. The East India Board expended itself in orders, and did not see them carried out. That Board was not yet awake to the dangers surrounding our empire. They were talking when they ought to be acting. There was here a mere physical task to accomplish. Was it to be done? It was easy of execution. If so, and in view of the grievous injury of past delays now so painfully realized, a deep responsibility would rest upon the India Company, on the Railway Companies themselves, and on that House, if every effort were not now made in the right direction. He need not recur to the advantages of railways in a military point of view. That part of his case was admitted, and as to the development of the industrial resources of the country, the Chairman of the East India Company had himself made it a matter of boast in that House, that when once the railway system was at work, heavy articles of produce, the result of native labour, cotton for example, could be conveyed so cheaply, that instead of it costing, as it now did, twice as much as the value of the cotton on the place of its growth to carry it down to the sea, the proportions of cost would be then inverted. In fact, India had, physically speaking, all that was necessary for a rapid and full development, except the means of locomotion and of transit. Cease to keep from her those means, and she would, in spite of mismanagement, and of internal disorders, rise in the industrial scale, and the very measures which promoted her prosperity would consolidate our power. He concluded by moving:—

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the slow progress of the East Indian Railways involves danger to the Military occupation of India, and retards the development of the industrial resources of that country," instead thereof.

MR. GILPIN seconded the Motion.

MR. VERNON SMITH said, he hoped

the House would not be led away from the question immediately before it (that the Speaker leave the Chair in order to go into Committee of Supply) into a long discussion of Indian railways, which might be in place at the proper opportunity, but was intrusive on the present occasion. He did not think the hon. Gentleman was correct in saying it was a fit subject for the interference of the House. The Government had always considered it as a question of private commercial enterprise ; and, with regard to any impediments by the Court of Directors or the Board of Control, the House should recollect the slight fact of the Indian Government guaranteeing five per cent. upon a very large outlay. Under those circumstances they would materially neglect their duty if they did not exercise some supervision over the expenditure of the money. In some instances it appeared that the railway companies contemplated the squandering of money in the most lavish manner, and the Indian Government were, therefore, completely justified in exercising the most minute supervision. The beginning of railways in India was in 1849, and the amount of capital upon which the Government had guaranteed interest was £30,230,000. Nearly £12,000,000 had been already expended, and the whole guarantee of interest might prove a considerable charge on the Indian Exchequer. It was perfectly true that the Indian Government had declined to guarantee some smaller lines at present ; and in that judgment the Government at home entirely concurred, as it properly thought that the great trunk lines should be first finished. The means of conveying troops throughout the whole of India would undoubtedly be a great advantage at the present moment ; but the charge which had just been made against the Indian Government by the hon. Member for Yarmouth (Mr. Watkin), was inconsistent with the complaint preferred a few nights ago by the hon. Member for Stockport (Mr. Kershaw), that the Indian Government had devoted the railways in that country to military and political, and not to commercial purposes. The complaint of the hon. Member for Stockport might, perhaps, be plausibly advanced against the Indian Government, but that Government was not at all open to the reproach of the hon. Member for Yarmouth. It had confined itself to the construction of certain trunk lines, and those lines had made more rapid progress than was exhibited in the same time in England at the beginning of railways. So far from the Indian Government wishing to keep the money which had been lodged in their hands by the railway companies it would be only too glad if the companies would receive possession of it and make the railways as fast as they could. The companies would have every assistance from him in the prosecution of their undertaking. It was their own fault that so little progress had hitherto been made. The impediments which the hon. Member for Yarmouth said had been thrown in their way arose from a proper supervision of an expenditure of which no small part was borne by the Indian Government, but in all other respects the Government was ready to allow them to proceed at any pace they pleased, and, as far as he was concerned, the more progress they made the better. If the Indian Government had undertaken to construct the railway itself, complaint might fairly have been made that it was not going fast enough; but the construction of the lines had been left entirely to private companies, and it was their duty to proceed as rapidly as they could. His own opinion was, that if, at the commencement of the railways, there had been a Board of Supervision to look after the whole of them, and take care that they were made more for the public advantage than for private profit, a better state of things would have existed now ; but the appointment of such a board would have been met with a great outcry, and, therefore, the task of constructing Indian railways had been intrusted to private companies. Matters having been so arranged, he denied the position of the hon. Member for Yarmouth, that any impediment had been thrown in the way of the private companies by the Indian Government, which, on the contrary, desired nothing more than the speedy completion of the railways it had guaranteed to so large an amount. He trusted that hon. Members would be content with that assurance, and, without continuing the debate any further, would allow the House to go into Committee of Supply.

Mr. R. W. CRAWFORD said that, connected as he had been with the establishment of railways in India, and presiding as he now did over the East India Railway Company, he could not allow the present opportunity to pass without saying a few words in reply to the statements of the hon. Member for Great Yarmouth, (Mr. Watkin). He thought that the attack which had been made upon the railway companies for the failure of their efforts to complete their works within a reasonable time was very unfair, and he should submit some facts to the House which would show that the hon. Gentleman had taken very little trouble to inform himself of the real circumstances. The East India Railway Company was established for the purpose of constructing a line of about 1,100 miles in length. In 1849 it entered into a contract for that object with the East India Company; in 1851 it was put into possession of the land, and in 1855 it opened 123 miles of railway—a rate of progress which might bear a favourable comparison with the best examples of railway enterprise in England. Nor was that all. So far from its being true, as the hon. Member for Great Yarmouth had stated, that no progress had been made beyond the 123 miles already opened, the company had at the present moment in active construction no fewer than 900 miles of railway, and during the course of last year the large sum of £1,700,000 was expended on the line, of which £523,000 was laid out upon the permanent way and bridges. In addition to that, the company had spent nearly a quarter of a million in sending out rails and other heavy materials. He did not think that the East India Company was in the slightest degree amenable to the charges which had been preferred against it by the hon. Member for Yarmouth; on the contrary, he believed that the success of the railway companies was owing in a great degree to the able and conciliatory manner in which Sir James Melvill had exercised the supervision with which he had been intrusted by the East India Company. At the same time, he admitted that the conduct of the local authorities in India was often not of the most judicious kind. Their interference was often of a petty and almost ridiculous character; and it certainly might be said that great circumlocution did prevail in India; for instance, the Madras Company was called upon to despatch an express train, but it could not be done without the sanction of the superintending engineer. To obtain that sanction occupied two days, so that the order to despatch the express train came two days after it was required. He was quite alive to the appeal which had been made for going into Committee, and therefore, upon that and other topics connected with Indian railways, he would reserve the observations which he wished to address to the House until the President of the Board of Control brought forward his annual budget.

MR. C. GILPIN said, that the speech of the hon. Member for Yarmouth (Mr. Watkin) had accomplished, at least, one good object—it had elicited from the President of the Board of Control a statement which could not fail to be satisfactory to every Member of the House. The right hon. Gentleman had declared himself willing to give a full and fair course to private enterprise, and if that were done there was every reason to expect that the railways of India would be pushed forward with as much vigour as those of other countries. In 1853 a Bill passed the Canadian Legislature for the construction of the Grand Trunk Railway in Canada, and in 1856 no less than 853 miles of railway were opened. From a Report of the railway with which the hon. Member for London, (Mr. R. W. Crawford) was connected, it appeared that 88 miles were opened. [MR. CRAWFORD.—One hundred and twenty three.]—Well, possibly now it may be 123 miles. At the same time he would observe, that when the hon. Gentleman (Mr. Crawford) said that the hon. Member for Yarmouth had taken up this question lightly, he was never more mistaken in his life. No man had taken greater pains with railway matters than his hon. Friend (Mr. Watkin). No man's opinion deserved to be held in higher estimation upon such questions. And it was, first of all, his knowledge of railway matters, and secondly, his sincere and warm interest in all that concerned India that induced him to bring forward the present Motion. He hoped, however, that his hon. Friend would be satisfied with the explanations which had been given, and would not press the Question to a division. For himself, he readily owned that he had seconded the Motion, not with any special reference to the military occupation of India, but from a strong desire to see commercial enterprise progressing there, and from a conviction that such progress was intimately and closely connected with the welfare of our Indian empire, and its restoration to peace and prosperity. Before resuming his seat he would say just one word as to the comparison which had been entered into between the first beginnings of railways in England and India. It had been argued that if a comparison were instituted between the development of railways in the two cases, it would be found that the progress of railways in India had not been so much delayed. Now, that was not a fair comparison, for when railways were first set on foot in England, everything was new to the engineer; whereas in India, these gentlemen were able to commence their work with the experience of the whole world to guide them; therefore, that which might have been fair progress in England twenty years ago, was very slow and dilatory in these days.

COLONEL SYKES said he would content himself with expressing a hope, that in a few days such facts and figures would be laid before the House as would save it from the repetition of the present most discursive discussion.

MR. AYRTON said, he could not but consider the hon. Gentleman (Mr. Watkin) to be entirely out of place in his present complaint. Whatever had been the past conduct of the Indian Government, he felt bound to admit that in recent times its efforts to promote railway enterprise had been greatly extended; for although up to the present moment there had been only constructed a very small extent of railways, still there was a very large extent in the course of construction. He should be sorry if the statement of the hon. Member for Yarmouth (Mr. Watkin) was to go forth without correction, namely—that the 280 miles actually constructed represented the whole of the railway enterprise in India. On the contrary, he (Mr. Ayrton) found that in addition to the 1000 miles under construction in Bengal, there were under construction in Bombay, leading into the interior, no less than 224 miles of railway, from Madras no less than 300 miles, and from Surat about 100 miles; while beyond that some 2,000 miles additional had been surveyed, with the intention of completing different sections as arrangements were completed. It was, therefore, wrong to say that the Government of India had been remiss in its duty; on the contrary, he was sorry to say that the administration of India, being of the weakest and most vacillating character, it was being driven too much in an opposite direction, and by the force of public opinion they were being driven to construct railways with too much rapidity; for if railways were pressed with an over-rapidity, the expense of their construction would be greatly enhanced, and they would run the danger of disorganising the labouring population of the country, by creating and congregating in a few spots a class of labourers at high wages, who, when the demand for their labour had ceased, would be placed in circumstances of great distress. Upon the whole, he thought it would be much better to investigate the administration of the Indian Government when the question was brought generally under review by the President of the Board of Control. As for the deficiency of railway communication having influenced recent events in India, he would only say, that he thought the cause of the unhappy results which had been witnessed must be sought in a totally different direction.

MR. PLATT said, that having received frequent communications from the borough which he had the honour to represent on the subject of the production of cotton in India, with which the development of railway communication in that country was so intimately connected, he might be suffered to offer a few observations to the House on the present occasion. The hon. Member below him (Mr. Ayrton) seemed to complain that the work of railway construction had gone on too rapidly in India. Now, in order to disabuse the hon. Gentleman's mind of such an impression he would supply him with some stastictics connected with the Great India Peninsular line. He believed that that line was first brought under the notice of the Board of Control in 1844. However, the Bill was not introduced into the House of Commons until 1845, when it fell to the ground because of the opposition of the East India Company. Well, the scheme remained in abeyance until 1848. When the Bill was permitted to pass, what was the result? Why, the contracts were made in 1849, and now in 1857 just eighty-eight miles of railway were opened. Now, he would ask the House whether that bore any comparison with the progress of railway enterprise in either England or America? It was proved before the Select Committee which had been appointed to consider the growth of cotton in India, that the cotton had to be brought down from the plantations, a distance of 400 miles, on the backs of bullocks to the sea-coast, and that the cost of that carriage actually doubled the price of the cotton, while if good roads were made, we should receive cotton at a cheaper rate, and in return find a market for our manufactured goods. The value of our cotton exportation he found stated at between £36,000,000 and £38,000,000 a year; but it would be well if the House understood that at that moment they were paying £10,000,000 more than they ought for cotton. Now, that made the value of our exports appear very much more than it really was, or at all events, it did not follow that the profits to this country with an increased export were greater than before. He believed, on the contrary, the position of the manufacturing interest in Lancashire at the present moment to be very unsatisfactory, and that the difference between the price of the cotton and the profit of the manufacturer was less than at any previous period. The consumption of cotton in this country was increasing year by year, while the supply did not proceed in an equal ratio. In other lands the supply did not equal the demand. The United States of America supplied seven-eighths of the cotton consumed by England, while the increase of slave labour there was but very gradual, and even that increase must sooner or later come to a stand-still. If that were so, it behoved them to look to other countries for a supply of cotton, and to India they ought to turn their eyes in the first instance; but there the difficulty was how to bring the cotton down to the sea-coast. At the same time the production of cotton in India was accompanied with difficulties unknown to America; in India the climate greatly interfered with the work, and in consequence it became necessary that certain works of irrigation should be undertaken by the Government. In conclusion, he begged to assure the House that the greatest anxiety, he might almost say alarm, existed in the manufacturing districts with respect to the future supply of cotton. He believed that that anxiety was well founded, and that the only way of escaping from the difficulty was by connecting the cotton districts in India with the coast by means of railways, and by proceeding with works of irrigation, which, as the East India Company was the landlord of that country, it ought to undertake.

Mr. WILLOUGHBY said, he hoped he could show that the East India Company had not been wanting in its efforts to promote the construction of railways in India. He had been connected with the first railway ever constructed in India, and therefore he thought he might be justified in calling in question some of the statements of the hon. Member for Yarmouth, (Mr. Watkin). In the first place let him observe that it was not until the 31st of October, 1850, that an attempt had been made to introduce railways into India, and that therefore the period during which the work of railway construction had been going on in India was only six and a half years instead of fourteen years. In fact the honour had devolved on him of turning the first sod of the first railway commenced in India on the date above mentioned. Well, what next? The East India Company have already sanctioned trunk lines of railway extending in the aggregate to 3,695 miles, of which upwards of 300 miles have been opened. The estimated outlay already sanctioned is £28,231,000, of which £14,196,287 has been paid into the Company's treasury. It is a fallacy to estimate the future progress of railways by what has been effected during the last six years, for he would beg the House to bear in mind how much greater the results of the next six years would be than those of the preceding term. He believed that the system on which the Indian railways were being constructed was much more perfect than any other, because it combined the energies of the private capitalist with the control and authority of a disinterested Power—but he ought not to say a disinterested Power, because the East India Company were interested in the speedy construction of railways in India. Happy would it have been for England if the same controlling influence had been brought to bear upon the organization of her railway system, for then, indeed, shareholders would not have had to lament the fact that the average interest received on railway stock in this country was only £3 12*s.* 4*d.*, or under $3\frac{3}{4}$ per cent. We hope to do better than this in India.

Mr. WATKIN announced his intention to withdraw the Motion.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

SUPPLY.—THE PERSIAN AND CHINESE WAR.

(1.) £500,000, Persian Expedition.

The CHANCELLOR of the EXCHEQUER: Although the debate of last night related to the proceeding of the Government on the subject of the Persian war, and did not relate directly to the policy of that war, yet before the debate closed that subject received so much discussion that the whole evening was devoted to it. The Committee, therefore, will perhaps hardly wish me to ask their attention to any detailed exposition of the accounts upon which I ask for this Vote. I will then merely state that the view which Her Majesty's Government have taken of the Persian war has been that it was mainly a war to maintain the independence of the town of Herat. That was not merely the opinion of the present Government, but the same view was entertained by a succession of previous Governments, who regarded it as a recognised principle, and treated it as a cardinal object of Asiatic or Oriental policy. Seeing, then, that the independence of Herat was threatened, and that the town was actually occupied by Persian troops, we felt justified in instructing the Indian Government to send an expedition to the Gulf of Persia, following in that respect a course which had previously been rewarded with success in a like state of circumstances. I will not trouble the House by re-discussing the policy of this war. I will merely say that were it not for the existence of our Indian possessions the occupation of Herat by Persia would be a matter wholly unimportant and insignificant to this country. It would not more directly concern English interests than a conquest effected in the centre of Africa by the Kingdom of Timbuctoo or of Dahomey. It is only in consequence of our possessions in India that the town of Herat is of importance to us. Her Majesty's Government, therefore, would have been justified in following the precedent of the former war in Affghanistan by imposing the whole expense of that war upon the Indian treasury. Looking, however, to the general policy of Asia and to the circumstances of general interest which characterize the expedition to the Persian Gulf, the Government felt justified in undertaking to repay to the Indian Government one half of the extraordinary expenses of the war, in the event of Parliament sanctioning that arrangement. I need scarcely say that the undertaking of the Government could only be conditional upon the assent of Parliament being subsequently obtained. Therefore, of course, with regard to the financial part of the subject, the view which was taken was this, that the war should be carried on by an expedition from Bombay, and that the expense of that expedition should be defrayed by the Indian treasury. It now becomes our duty, if the House should be prepared to ratify the engagement entered into on behalf of the Government, to repay to the Indian treasury one-half of the extraordinary expenses of the war. No time is fixed for repayments of that sort to take place. And I may here observe that at this moment there is a considerable unsettled account between Her Majesty's Government and the East India Company, arising out of the last Chinese war, which was concluded many years ago; and I may add that it will be the duty of my hon. Friend the Secretary to the Treasury, before this Committee is closed, to ask this House to agree to a vote for the remaining account with respect to the old China war. I am happy, however, to say that that merely involves an adjustment of accounts, inasmuch as the East India Company owes the Government a sum equal to the money due on that account. Nevertheless, it is a fact that that account has not been finally adjusted, and can only be brought to a conclusion by a Vote of this House. Early in the Session, before I was able to obtain any precise view of the probable cost of the war, I stated that I thought it would be sufficient to repay to the East India Company a sum of, I think, £365,000 for the expenses of the war in the Persian Gulf, up to the 1st of April last. At that time I was unable to anticipate the probable duration of the war, and the estimate was taken at that low amount. Subsequently we have been enabled to obtain from the East India Company the probable estimate of the ultimate total expenses of the war. But I may state to the House that that is still only an estimate, and must not be regarded as a final settlement, inasmuch as the accounts have not been made out, and the Company is not yet in possession of the final cost of the war. A short time ago I received from the East India Company an assurance that if the sum of £500,000 were paid in the course of this Session that would be as much as would be needed for the wants of the treasury of the Company, and accordingly I have laid upon the table an Estimate to that amount. The total sum which will ultimately be due to the East India Company on this account will, however, exceed £500,000. The estimate on the table exhibits a total of £1,865,000, one-half of which, according to the present engagement, is due by our Exchequer to the East India Company, making, therefore, a sum somewhat exceeding £900,000. The amount which I proposed to vote to the East India Company this Session was £500,000, leaving a balance, according to this Estimate, of about £400,000. But since this Estimate was laid on the table I have had a communication from the Chairman of the East India Company, stating that the late advices received from India, with regard to the loss of money from their treasuries, together with the probable interruption which the collection of the revenue may sustain, will render it convenient that a larger sum should, with the consent of the House, be voted on this account in the present Session. Therefore, I merely mention that all I ask the Committee to grant this evening on this account is a sum of £500,000. But I think it not improbable that I may feel it my duty to present a supplementary Estimate to the extent of £300,000 or £400,000, in order to repay to the East India Company the whole of the money they have advanced on this account. It may be convenient that I should explain to the Committee at the same time the other Vote which I have to propose—viz., a Vote of credit for the military and naval operations in China. The House has already been informed that orders have been sent out to Singapore to divert from their destination, Hong Kong, a portion of the regiments despatched to that station, and, indeed, that Viscount Canning had anticipated the intentions of the Government by addressing a letter to Lord Elgin on that subject. We therefore expect that a considerable part of the military force destined for China will now be diverted to India; and under these circumstances a portion of the expenses of those regiments will fall not upon the English, but upon the Indian Treasury. The Committee are aware that when the Queen's troops are required by the East India Company for service in India their expense is defrayed by the finances of that country. Therefore, I shall not find it necessary to ask the Committee to agree to so large a sum as £500,000 as a Vote of credit for the China service. I shall ask only for £400,000, which I believe will be sufficient both for the extraordinary naval and military services upon that station; and instead of asking for that £100,000 for the China service, my right hon. Friend at the head of the Admiralty has laid on the table a supplementary Vote of £98,000 for the navy. So that the £100,000 which will be taken from the China Vote will appear in the shape of a supplementary Estimate for the naval service; but the total sum for the two Votes will not be exceeded. Having explained these two Votes to the Committee, I may now be permitted to remark that exaggerated apprehensions seem to exist as to the probable pressure upon the English Exchequer from the recent occurrences in India. It would, of course, now be premature to anticipate the consequences of those events, either in a political or in a financial point of view; but, whatever additional military force may be furnished to India is a burden upon the Indian Treasury, and its cost will not be borne by England. As at present advised, we do not look forward to the necessity of calling upon this House to incur any additional expenditure on account of the military reinforcements sent to India. I understand it is supposed that it may be requisite to make great demands on the English Exchequer for this purpose; but at present I do not anticipate any such necessity. It would, of course, now be vain to speculate as to the future; but as now advised, Her Majesty's Government do not contemplate the probability of asking the House this Session to agree to any additional Estimates beyond what I have just stated—viz., £500,000 for the repayment to the East India Company of the expenses of the Persian war; possibly a further grant of £300,000 or £400,000 for the same service; a vote of credit for the China service of £400,000; and a supplementary naval Estimate of £100,000. I do not apprehend that beyond these charges there will be any occasion to call on this House for increased funds on account of the late occurrences in India. Having given these explanations with respect to the charges upon the Exchequer of this country, it is now my duty to show that there are ways and means to meet those additional charges, inasmuch as the expenditure which I am asking the House to sanction is considerably in excess of the estimate of revenue made by me, at the beginning of last Session, in the month of February last. I think I can satisfy the Committee that the Exchequer will furnish ample provision for these additional charges. The estimate which I gave of the expenditure, for the financial year ending on the 1st of April last, exceeded what turned out to be the actual expenditure by no less a sum than £1,860,000. That is to say, taking the excess of the receipts of last year, together with the decrease of the actual expenditure below the amount I had anticipated, there was a gain to the public beyond my calculations of £1,860,000. This includes both the excess in the revenue and the diminution in the expenditure. In addition to this sum there has been a gain upon tea, coffee, and sugar in the last quarter, beyond the amount at which I estimated these branches of the revenue, of about £500,000. The fall in the duties which took place on the 1st of April last caused the holders of those articles to retain them in bond until the reduced scale came into operation. This has thrown a receipt of about half a million more than I reckoned upon into the returns for the last quarter. Since that period the malt duty has likewise been more productive than the Revenue Department estimated it, to the extent of half a million. Therefore, up to the present time the Exchequer is richer than I calculated it would be when I made my financial statement in February last by the sum of £2,860,000. Against this sum there are certain charges by way of set-off which were not estimated by me in the beginning of last Session. Those charges are:—The Sound Dues Redemption, £1,135,000; the addition to my Estimate for the Persian expedition, £235,000; the naval and military operations in China, £400,000; the supplementary Vote for the navy, £100,000; and the Princess Royal's dowry, which was not estimated, £40,000. These sums added together make £1,910,000, to which I add a further sum of £300,000 for the remaining expenses of the Persian expedition. This gives a total of £2,210,000, against a gain of £2,860,000. The Committee will therefore see that the Exchequer is in a condition to meet the charges for which I ask them now to provide. I would also call attention to the fact that the state of things which I have indicated is actually realised. It does not depend upon estimate. And it would not be unreasonable to expect a gain upon some branches of the revenue beyond that which I have estimated for the remaining portion of the year. Under these circumstances I trust that the Committee will agree to the Vote which I now place in the Chairman's hands.

Mr. WALPOLE: Before any Vote is taken on this question, there are one or two points to which I desire to call the right hon. Gentleman's attention. Last night I noticed the fact that the sum of £265,000 was the amount which, according to the estimate of the Government, was to be borne by the British Treasury during the present year for the expedition to Persia. I doubted then whether that estimate would not be exceeded, and now it appears that the probable estimate of the expense to be borne by this country is £900,000. These, then, are important facts which ought to have been ascertained by communication with the East India Company before the Estimate was laid upon the table, or a statement made to the House. But notwithstanding this correction, I confess I am puzzled to make out the exact computation upon which either the East India Company or Her Majesty's Government have proceeded. I hold in my hand the accounts of the East India Company, which were laid on the table of the House on the 18th of last month. The second of those accounts is headed, "An Estimate of the Receipts and Expenditure of the Home Treasury of the East India Company, from the 1st of May, 1857, to the 30th of April, 1858;" and under this heading, I find the East India Company taking credit on account of what is coming due to them from the British Government for the expenses of the expedition to Persia, for the sum of—what? Not £900,000, or even £500,000, but only £250,000. This account was laid upon the table on the 18th of June, 1857; and it shows that the East India Company computed the money coming due to them from the British Government at the low figure of £250,000. The first account is an estimate of the disbursements of the home treasury of the East India Company from the 1st of May, 1856, to the 30th of April, 1857, and no credit is taken there for any money paid to the East India Company on the part of the British Government on account of the Persian war. But when I come to the second account of all the money paid by the British Government to the East India Company on account of the Persian expedition, from the 1st of May, 1857, to the 30th of April, 1858, I find no larger sums taken credit for than £250,000. I am far from saying that this is not capable of explanation, but I say that these papers having been laid upon the table of the House, and what is something like an inaccurate statement appearing in them, some explanation ought to be given to the Committee. In the course of the other observations of the Chancellor of the Exchequer, I think he a little, more or less, mixed up two Votes together. The Estimate for the China war, which was laid upon the table only last week, was £500,000. Now, if the Chinese war is to be prosecuted for the purpose of obtaining the satisfaction which the Government think is due to the country, and if they thought that £500,000 was necessary for that purpose last week, I should be extremely sorry if they hampered themselves by taking a smaller sum than that now, merely because they want the other £100,000 to pay some expenses on account of India. Whether that £500,000 is, or is not required, of course Government can better explain than I can. If it is wanted, all I can say is that I hope you will not cripple yourselves in the endeavour to get that satisfaction which you think is due to this country. For although I entirely disagree in the policy of all this Chinese business, yet once embarked in it, the credit and honour of the country are at stake unless you get the reparation to which you think you are entitled. With regard to the £100,000 which is to go to pay part of the expenses of the naval force you propose to send to India, on that part of the question the observations I am about to make do not so much affect the British Treasury as the charges to be borne by the East India Company. One million of money will have to be borne for the Persian expedition. In addition to that, there will be a great expenditure necessary to be borne for putting down the unfortunate revolt which has taken place in India. If I recollect rightly, the East India Company at this moment has got an expenditure higher than the receipts by very nearly £2,000,000 of money; according to these figures, therefore, there will be somewhere between three and four millions charged upon the finances of the East India Company over and above the probable receipts which that Company will have to meet those charges. Now, the right hon. Gentleman observed that he thought there would be no further demand upon the Treasury of England for those expenses which will necessarily have to be incurred in India; and I think before we assent to this Vote we ought to be safe in our calculations upon that point; for unless I am very much mistaken, you will find that you must allow something more for these great operations, which are necessarily going on, and which you will have to meet, for the East India Company will not be able to bear them. In calling attention to these points, I do not wish to raise any great controversial questions; still less do I wish to cripple the hands of the Government. On the contrary, I wish to strengthen them. But I do think, having pointed out these seeming inaccuracies in the Estimates hitherto propounded to us, we ought to be sure, as sure as we can be, what further expenditure is likely to be borne by this country; for, I do not think, if I am right in my observations, that the sum the right hon. Gentleman requires will be sufficient for the purposes for which they are intended, and that he will have to ask for further Votes of credit or Votes of money.

THE CHANCELLOR OF THE EXCHEQUER said, it did not appear to him that there was necessarily any inaccuracy in the returns presented by the East Indian Company, of the existence of which he was not previously aware. No doubt their estimate was founded upon the announcement which they received at the beginning of the year, that the sum to be repaid to them on account of the expenses of the Persian war before a certain day would be £250,000. But since that time an arrangement had been made upon which the estimate on the table was founded to repay a sum of half a million; and that would have been the total demand which the Government would have made on Parliament during the present Session if it were not for the recent unhappy occurrences in India. This had altered the financial position of the East India Company, and would probably make it desirable that the Government should lay upon the table a supplementary Estimate on the subject. He was not aware that the term "inaccuracy" was deserved. It appeared to him that the circumstance to which the right hon. Gentleman referred was merely an evidence of a change of intention.

SIR ERSKINE PERRY said, that the independence of Herat was the cause of the Affghan war, which cost the country £20,000,000, and inflicted upon us much disaster and disgrace. The Persian war of 1856 was founded upon the same policy; but although the Government upheld this view, he did not believe that it was a sound policy to pursue, or that the opinion of the Government had been entertained by the greatest Indian Statesmen. Herat had been called the gate of India, but it was many hundred miles from our frontier, and it was separated from our territory by a tract of country of the strongest possible character, containing amongst other obstacles the Bolan and Khyber passes, the military strength and importance of which we knew too well. It should be remembered in justice to Persia that the importance of the City of Herat was very great to that power, and he thought that if the Committee were to suppose that we could maintain an independent Government or an independent chief at Herat, they would be giving way to a delusion. That city was now occupied by Persia, and if the report were correct the Shah had applied for a reinforcement of British soldiers, in order to aid him in turning out his own troops. The Affghans were the most untrustworthy of men. In his opinion, the policy which ought to be adopted towards Persia by this country had been admirably shadowed forth by Lord Cowley to Ferukh Khan in February last, when he had stated that we desired to see Persia strong, flourishing, and independent. Let that policy, then, be pursued, and let them not by continual interference with her mar the good effect which such a course was calculated to produce. If it were true that the Sadir Azim were the Lord Palmerston of Persia, then his authority should not be weakened, and now that we had ended our second war with that Power, he trusted we should not be over solicitous to plunge into a war to uphold the independence in the insignificant town of Herat of an Affghan cutthroat.

Sir EDWARD COLEBROOKE expressed his satisfaction at the circumstance that the Treasury of this country was about to bear some portion of the expense connected with the prosecution of the Persian war, inasmuch as some security would thereby be afforded against embarking in contests which in reality did not tend to the promotion of British interests. As to the occupation of Herat by Persia, he could only say that, in his opinion, that city was too far removed from India to give rise to any well-founded apprehension in reference to the safety of our possessions in the East. It was, however, but natural that considerable jealousy should prevail in this country upon that point, inasmuch as no sooner had Herat become subject to Persia than Russia would by treaty possess a right to have an agent there, and would thus be afforded an opportunity of pushing her intrigues, and carrying out those designs against India which she was supposed to entertain. But while we looked with suspicion upon Russia, why was it that our policy tended to break down every barrier between that country and India? We had, by our conduct in Affghanistan, earned for ourselves the hatred and detestation of the Affghan chiefs, and the wild tribes by which that region was inhabited. We had done our utmost, too, to destroy the military power of Persia, and to lay her more prostrate than ever at the feet of Russian aggression. The course which we had in those respects pursued he could not help regarding as unfortunate. He was strongly of opinion that we should have acted more wisely if, instead of weakening, we had strengthened the resources of the Persian empire, and if we had not exhibited that extreme jealousy with respect to the occupation of a position of so much importance to her as Herat which we had displayed. But, to pass from the consideration of our relations with Persia to the position of India, he felt bound to say that in the sanguine expectations which the right hon. Gentleman the Chancellor of the Exchequer seemed to entertain with respect to the state of that empire, he, for one, could by no means participate. The intelligence which had lately been received from that country had filled him with anxiety, and he feared that even the fall of Delhi, of which we might expect to hear by the next mail, would not be sufficient to justify the hope that the mutiny among the native troops had been completely extinguished. It had spread much too far to be so easily put down. It extended from the Punjab to Rohilcund, Oude, and throughout the whole of Central India; and, with that fact before them, bearing in mind, too, the season of the year, and the circumstance that there was but a mere handful of British troops upon the spot, the utmost we could reasonably expect was that those troops should be able to maintain their line of communications through the wide range of territory lying between Calcutta and the north-western frontier, a distance of 1,500 miles, until the reinforcements came to their aid. With the cooler season they might be able to strike a determined blow. Meanwhile, the greatest difficulty would be experienced in the collection of the revenue, in consequence of the want of trustworthy native soldiers; the revenue derived from opium would be greatly diminished, owing to the present unhappy state of affairs; and, under these circumstances, from what quarter the Governor General was to obtain his necessary supplies, unless the Government at home were to come to his assistance, he (Sir E. Colebrooke) could not understand. He trusted, therefore, that Her Majesty's Ministers would be prepared to take that course; and he felt assured that in doing so they would be manfully supported by that House and by the country.

MR. AYRTON said that the right hon. Gentleman had told the Committee that Her Majesty's Government had sent directions to India to the effect that half of the expenses of the Persian war were to be borne by the Indian Treasury, and half by the British Government. Now, so far as he knew, the statutes relating to the Government of India expressly set forth the purposes for which the revenues of that country were vested in the East India Company, and made no provision whatever that those revenues should be placed at the disposal of the Government of this country; and he wished, therefore, to ascertain from the right hon. Gentleman the Chancellor of the Exchequer by what authority the Government could send out an order to India to apply the revenues of that empire to British purposes in anticipation of a Vote of Parliament? The question was one of great constitutional importance, inasmuch as it involved the consideration of enabling the Chancellor to avoid asking Parliament for a grant of money by drawing upon resources which it had never been intended by the Legislature to place at his disposal. He believed such an application to be wholly contrary to law; but if it were not, he thought the system of administration of the affairs of India ought to undergo a thorough revision.

SIR HENRY WILLOUGHBY said, that though he believed there would be a deficiency in the Indian revenues, he did not think this the proper time to discuss the point. The question before the Committee was, whether they should vote half a million for the expenses of the Persian war, and we thought it would be very inconvenient to enter into the larger subjects which had been introduced. The Chancellor of the Exchequer, however, in proposing that Vote, had challenged observation upon the important question of the general state of the ways and means of this country, and had stated that he had £2,800,000 in hand undisposed of. He (Sir H. Willoughby) could not take the same sanguine view of the public finances as the right hon. Gentleman had done, and would remind the Committee that £9,000,000 of income-tax had fortunately come into receipt this year, but for which the surplus of £2,800,000 would have been a deficiency of £6,200,000. With respect to the Vote of £500,000, he thought that the Committee were placed in rather a painful position; because they must not fancy that they were about to vote supplies in the ordinary manner—they had not the grace of offering supplies to the Crown—but they had merely to pay a Bill and to ratify an expenditure already incurred. He complained that when the Chancellor of the Exchequer, in the spring of this year, had stated that the amount required for this Vote would be £265,000, he must have known that a much larger estimate had been prepared, but that he had kept back that estimate until the last moment. Even now it was only by accident that the Committee had become aware that the whole expense would amount to £1,865,000; and he contended that it was not right to treat the Committee in such a manner when so large an item of expenditure was involved. Good faith, however, must be kept, and he felt that he had nothing to do upon the present occasion but to support the Vote for the £500,000. In conclusion, he wished to ask the Chancellor of the Exchequer from what source it was proposed to pay the armaments which were about to be sent to India. Was there to be an additional estimate for the expense of sending 10,000 or 12,000 men to India; was a debt to be incurred, or how was it to be provided for?

THE CHANCELLOR OF THE EXCHEQUER: I will first answer the question of the hon. Member for the Tower Hamlets (Mr. Ayrton), which he seemed to think was a very formidable one, but which I believe admits of a very simple answer. The hon. Member asked by what authority the English Government proposed a charge upon the Indian revenue, and he said that the statutes in force did not give them the power of making any such demand. I apprehend that the course taken is this:—The President of the Board of Control, by the authority vested in him by statute, has through the secret committee of the Court of Directors, the power of sending out instructions to the Indian Government, either to make war or for any other purpose. When he has sent those instructions to the Indian Government, they, by their authority, carry them into effect, and if those instructions involve any expense, then by their authority that expense is incurred. That, I believe, is the course adopted in this matter, which the constitution, established many years ago with respect to Indian affairs, altogether sanctions. In answer to the hon. Baronet the Member for Evesham (Sir H. Willoughby), I have to state that according to law the East India Company have to bear the whole expense of sending troops from this country and of maintaining them in India. There is, however, a question under consideration, which is not yet determined, and that is whether it would be equitable with regard to those troops whose destination was originally China, but which have now been diverted to India, that the whole expense should fall on the East India Company?

MR. GLADSTONE: My right hon. Friend in the statement which he addressed to the Committee, did not confine himself to the particular Vote which we are called upon to give or to withhold this evening; but he added to his remarks upon the Persian Vote other particulars with respect to the China Vote, other most important particulars with respect to the disturbances in India, and, finally, a brief but important reference to the state of his own balances. Although some hon. Members have regretted that other matters should have been introduced into this discussion, I have no doubt that it is for the public convenience, at this period of the Session, that my right hon. Friend should have thus connected the several subjects together, and I shall follow his example, therefore, in the few observations that I have to make. With respect to the subject of Persia and the Persian Vote, I am afraid that few among us have been surprised at the announcement made to-night. We have seen the demand which, in March was £265,000, grow to £500,000, and we now find it advanced to £900,000. That is a tolerably rapid increment for a period of three months. When the £265,000 was first asked for, we were told by many hon. Members what the result would turn out to be, and their vaticinations have been only too accurately fulfilled. With respect to what fell from the hon. and learned Member for Devonport (Sir Erskine Perry), I would only take exception to one single word in the remarks which he made. I think that he made too large an admission when he stated, that the maintenance of the independence of Herat, and preserving it free from subjection to Persia, had been recognised as a cardinal matter of policy by every Government for the last twenty years. I agree with that observation to the extent that it has been recognized as an object to be desired, but having had the honour to be connected with two Governments which have subsisted during the last twenty years, I venture to say that I am not aware of any act that was done by the Governments of Sir Robert Peel or of the Earl of Aberdeen which implied that either of those Governments regarded the maintenance of the independence of Herat as an object which ought to be pursued by England, even to the extremity of war. It is, of course, vain now to dilate upon the subject of the policy of the Persian war. My right hon. Friend has, however, entered into some discussion upon that subject, and into some vindication of the policy of the Government in that respect; but he had one triumphant argument of which he has not availed himself, but which I think he might have adduced as the most conclusive which the case admits of—I mean the argument to be derived from the division which took place last night, when the House of Commons declared, by a majority of ten to one, either that it approved the policy of the Government, or else that, at any rate, it did not consider that that policy deserved an adverse vote. After that division, I do not think that it would be respectful to the Committee if the small and feeble band of dissentients were now to revive that discussion, and I, therefore, shall not attempt to do so, but will proceed to consider the Vote with respect to the Chinese war. We are told that a sum of £400,000 is about to be asked for, but that sum will, I fear, in all probability prove to be a very small fraction of the charge which we have undertaken. It is not often that I take exception to what falls in this House from my right hon. Friend the Member for the University of Cambridge (Mr. Walpole), but I must most respectfully express my dissent from part of the language which he has this night used. My right hon. Friend has stated that, doubting and differing from the policy which led to the Chinese war, he thought that now we had entered upon it, that now we had, it was to be presumed, made certain demands, the honour and the credit of the country demanded that those demands should, at all hazards, be enforced. Now, Sir, entertaining the opinions which I do with respect to the policy which has been pursued in China, I could not hear those words without respectfully withholding my assent to them. I, Sir, wholly repudiate that policy. Since the meeting of the present Parliament, the transactions which have taken place in China have been characterized by my noble Friend the Member for London, if he has been correctly reported, and I have no reason to suppose otherwise, as flagitious. I entirely concur in that epithet, and I say, without hesitation or qualification, that believing as I do that that designation is a correct one, I cannot admit that because those proceedings have been commenced, therefore they ought to be carried to their natural termination. I must here, Sir, venture to advert to one circumstance upon which I think that it is material that this Committee should be accurately informed. At the time when the transactions which had occurred in China were discussed, it will be recollected that the vindication of the proceedings of the British authorities depended almost entirely upon a single assertion, and that assertion was, the British flag was flying on board the lorcha Arrow at the time she was boarded by the Chinese authorities. That assertion was contested at the time; it was denied by the Chinese authorities, and arguments were advanced in this House to show that there were grave reasons for doubting if such was the case. We were then told that there was not the slightest foundation for any such doubt, that the British flag was flying at the time, and the whole case—such as that case was—depended upon that fact. I did not then consider that the flying of the British flag, even if it were flying, afforded a shade of justification for the proceedings which were adopted; but I am now in possession of new information upon the subject, which the Government, I dare say, can either affirm or correct. I do not say that my information is conclusive, but it has reached me from high authority, and from authority exclusively British, that the British flag was not flying at the time the lorcha was boarded; and that information is coupled with an unequivocal declaration that the British communities of Canton and Hong Kong were perfectly aware that such was the case; in fact, that it was a matter of notoriety that the flag was not flying at the time. I think that this is a subject upon which the Committee ought to receive the fullest information which the Government have it in their power to afford. As regards the charge for the Chinese war, I can only say that, although whenever I see an occasion which affords the slightest hope of stopping proceedings which I believe calculated to bring disgrace upon the country, I shall not be wanting in taking my humble part in endeavouring to effect that result, still, on the present occasion, withholding the money which we are asked to vote would have no effect, and I assume that the Committee is not prepared to adopt that course. I come now to a most important subject, which has been touched upon by my right hon. Friend. The hon. Baronet opposite (Sir H. Willoughby) has made some most just observations in pointing out the false position in which the Committee is placed by being asked in more than one instance to vote money for the expenses of war, not by way of estimate but by way of account, and my right hon. Friend has told us with great ingenuousness that, although this charge for the Persian war has been incurred, yet he would only have called upon us at present to pay some part of the whole charge, but that the financial necessities of the East India Company are so serious that possibly it may be necessary for him to present to the house another Estimate of £400,000. I mention this because it shows that the mind of my right hon. Friend is becoming habituated in the course of his transactions to incurring a bill to be paid by the people of this country without first asking the consent of their representatives, and then sending in that bill to be discharged at such times and in such proportions as will best square with the general state of the public accounts. Whether it be from the policy of the Government or the circumstances of the case, we are unhappily called upon, both in the case of Persia and China, to provide for hostilities undertaken without the concurrence of those whose duty it is to watch the expenditure of the country. I advert to this, because what has fallen from my right hon. Friend inspires my mind with some suspicion, and I wish to express a hope that it may not grow into an usual practice of Government. My right hon. Friend has dropped a few words full of meaning and full of warning. He has very properly referred to the unfortunate disturbances which have occurred in India, and he began by attempting to administer a little comfort, for he made some observations the effect of which was that the charge for the suppression of those disturbances would fall upon the Indian revenue. Now, for my own part, I do not derive so much comfort from that remark as some hon. Gentlemen may do, for I believe in the soundness of the doctrine which was laid down by the late Sir Robert Peel, who maintained that there was a virtual connection between Indian expenditure and British liability. That was a wise, a sound, and significant remark. My right hon. Friend, however, went a little further, and intimated that there was a likelihood—which, unless I am very much mistaken, will in due time grow into the proportion of a fact—of it being necessary to make a direct demand upon the House of Commons in connection with the expenditure necessary for the suppression of those disturbances in India. I do not think that I misunderstood my right hon. Friend, but if I did I shall be obliged to him if he will correct me. I am far from saying that my right hon. Friend would be wrong in making such a demand, but what I wish to point out to the Committee is that he has told us, by way of comfort, that it will not be necessary to make that demand during the present Session of Parliament. Now, from that statement, I for one am rather likely to gather matter for complaint than for comfort. If the Government thinks that the finances of the East India Company are in such a state as to require support, the wise and constitutional course—the course which practice and expedience dictated for them to pursue—would have been to come down at once to the House of Commons and ask for an advance. It would not have been necessary to settle the ultimate liability, for that question might have been reserved until we receive a more full information as to the cause of these disturbances. *Prima facie* there appears to be a connection between those disturbances and the measures of the Government with regard to sending troops from India to Persia and China, for, if a disposition to revolt did exist in the Bengal army prior to the withdrawal of those troops, no doubt their withdrawal afforded an opportunity for that disposition to display itself. What I say is this—that it is only fair to the House of Commons, if the Government anticipate that we are to be put to charge on account of these disturbances, that we should have that charge put before us, not by way of an account of charge, but by way of estimate; and I also say that it appears to me, that if we want to strengthen the hands of the East India Company and give vigour to their financial operations, the best course for the Government to pursue, in order to render that support with vigour and promptness, would be at once to ask from the House of Commons that which either my right hon. Friend or some successor in office will ultimately have to demand. I think that the most practical, the most expedient, and the most prudent course to pursue—and the subject is well worthy the attention of the Committee—would be for the Government, if they are of opinion upon the facts, so far as they are known to them, that British aid is necessary to Indian finance, to at once ask the House of Commons to grant that aid. I admit that it would not be convenient, so far as my right hon. Friend's balance for the year is concerned. I thought that there was inconvenience in the manner in which my right hon. Friend stated his account, because he did what I never recollect to have known done before in this House. He brought to the credit of his operations in the present year the surplus of his revenue in the last. Now, a Chancellor of the Exchequer who has a deficiency in any given year is not apt to charge himself with it, and to carry it on to his debt in the next; and, if he does not do that, neither ought he, having a surplus,—if it be a surplus, though it was made from borrowed money—to carry on that surplus, and consider it as part of his available means for the next year. On the contrary, all the surpluses of our annual revenue are, by the well-understood principle of Parliament, appropriated beforehand to the extinction of debt. When we determined to break up the old system of the sinking fund, we said, "We don't mean to give up the steady liquidation of the debt; we mean to trust to our surplus revenue for that purpose." Well, if the surplus revenue is to be applied to that object it must not be carried on and treated as available ways and means by Chancellors of the Exchequer in future years. As I understand the case of my right hon. Friend, however, he still has a surplus. In the month of March he showed that, as the amount then stood, he should probably have a surplus of £500,000 for the year 1857-58. He has told us to-night, and I heard the statement with great satisfaction, that he will have an improvement upon his estimated revenue—one moiety of it from malt, and the other from tea, sugar, and coffee—to the amount of another million. That gives him a million and a-half to make use of. I think, so far as I understood him, that putting out of view the redemption of the Sound Dues, which was an operation by itself, and for which he provided in a different manner, his extra expenses chargeable against the ways and means of the year come to between

£1,100,000 and £1,200,000. There is £635,000 for Persia, £400,000 for China, £100,000 for the supplemental Naval Estimate, and £40,000 for the dowry of the Princess Royal: therefore, my right hon. Friend has still a surplus to show. Undoubtedly, if he were to adopt the suggestion that an advance of money should be asked from Parliament to strengthen the hands of the East India Company for putting down these disturbances, I am afraid that his surplus would go a very little way, and that it would be his duty to make to us in the month of July or August this year one of those disagreeable proposals which he will certainly have to make in the month of March or April in the next. No man likes to anticipate the evil day—my right hon. Friend, I dare say, no better than anybody else. Still I am quite sure that if he agrees with me as to the policy of the case, if he recognizes with me the right of this House to have the first information of coming public charges, and to have the earliest means of exercising its judgment with reference to the manner in which the resources of the country are to be wielded and applied for all purposes, whether military, political, or administrative, he will not be withheld by any motives of the nature which I have described from making such a proposal to the House. At any rate, I join entirely and cordially with my hon. Friend opposite (Sir H. Willoughby) in deprecating that which appears, I am afraid, to be growing rather into a system—viz., the presentation to the House of Commons of military expenditure involving high questions of policy by way of account after the fact, instead of by way of estimate before the fact; and as regards that portion of our proceedings of which the unhappy theatre has been the empire of China, I was unable to allow this Vote to pass without repeating, in however brief yet in emphatic words, the strong sentiments of pain and sorrow with which I must ever regard the transactions of the last few years.

Mr. MANGLES said, that he had returned to the House without intending to address a single word to that Committee, and he laboured under the disadvantage of not having heard the observations of the right hon. Gentleman the Chancellor of the Exchequer. Notwithstanding this, he could not, after the remarks of the right hon. Gentleman the Member for the University of Oxford, remain altogether silent. The tone and temper in which the Committee had received the demand made by the Chancellor of the Exchequer for part of the amount which had been advanced by the East India Company for the Persian war, and many of the remarks which he had heard, reminded him very strongly of some lines which he learnt in his youth—

> "It's a very good world we live in,
> To lend, or to spend, or to give in;
> But to beg or to borrow, or ask for our own,
> It's the very worst world that ever was known."

Because the Committee must understand that this grasping East India Company, which came down upon them and made a demand for £500,000, and which had a further demand amounting to more than that sum, had in the first instance advanced the whole amount for them. They merely asked the nation to pay its debts, and the House had no right to treat them *in formâ pauperis*, and say that they gave the money because the East India Company was in such extreme distress, and on account of the recent disturbances. Whether India had been disturbed or not, they must, if they were honest men, have paid what they owed and what was advanced for a war which was theirs and not the Company's. [*Cheers from the Opposition benches.*] Let him not be misunderstood. He did not mean to say that the Persian war was not undertaken, and honestly undertaken, by the Government in a great measure for Indian purposes. He felt and had always felt, that the possession of Herat by Persia would be most injurious to the integrity and safety of India. He believed that as regarded the possession of Herat—he had nothing to do with Mr. Murray and his quarrel—this was an Indian question; but he maintained that they had no right to say, as had been said by the right hon. Gentleman, that India was, owing to the disturbances, in such a state of impoverishment that she came to England to ask—[Mr. GLADSTONE: No, no! It was the Chancellor of the Exchequer.] He did not hear the speech of the Chancellor of the Exchequer. This, however, he knew, that the East India Company was only asking for the payment of a debt honestly due for money advanced. They did not ask for interest. Hon. Gentlemen smiled at this, but if they had borrowed the money from any other persons they would have had to pay interest. If they had borrowed from the English public they would not have been let off without the payment of interest; but as they borrowed it from the East India Company, which, as he hoped, was part and parcel of the empire itself, it was advanced without interest, and the Company would be quite satisfied and only too glad when they got their principal returned. It was a great object with the East India Company to get this money now, because they annually required from India remittances to the amount of £4,000,000 for the expenses in this country, and at present they were anxious not to draw upon India for a rupee which they could avoid. It was, therefore, a great object to get repaid money which they had advanced in England, and thus diminish *pro tanto* the amount of their drafts upon India. Whether or not they came to Parliament again to ask the Government to repay the remainder of the sum which they had advanced, they came only as honest creditors, and it was the fault of the Government, not theirs, that this money was to be paid as a bill instead of an estimate. The right hon. Gentleman (Mr. Gladstone) had shadowed forth that if the disturbances continued the East India Company might ask for pecuniary assistance from the national Exchequer. Of course, after what had occurred, after the breaking down of the confidence which had, with partial exceptions, been entertained in these Sepoy troops, who from the time of Clive, just 100 years ago, had been universally and proverbially faithful—after that staff upon which we have leant for 100 years had proved a rotten reed in our hands, it was impossible for any man to be so presumptuous as to prophesy with regard to the future; but at present, so far as he could see, he did trust that matters would go no further, and that we should be able to stem the tide of destruction and disaffection—and he was happy to be able to say, in spite of what fell from the hon. Member for Lanarkshire (Sir E. Colebrooke) that, with the most partial exceptions, the disaffection extended only to the troops. Many parts of the country were eminently loyal. It was greatly to the honour of that distinguished man, Sir John Lawrence, who had administered the Punjab since the date at which it fell into our hands, that the people of that country, so recently conquered and annexed to the British dominions, were, up to the date of our latest advices, eminently loyal and true to the British Government. So faithful were they that deserters from the Sepoy regiments who came from Hindostan were caught by the population of the Punjab, and delivered up to our authorities. In no instance had a native of the Punjab shown any disloyalty, or any want of allegiance to his standard or the military oath, and Sir John Lawrence was at this moment raising large levies among the population of that province to join our troops. It was, as he had said, impossible to foresee what might occur, but he hoped and trusted that the finances of India would be able to bear these expenses. So far was public credit in India from being shaken, that the 5 per cent. loan which was now being taken up had drawn more money during the last few weeks than it had done before. Whether the reason of this was that the people having confidence in the stability of the Government, but fearing instability elsewhere, brought their money to the public treasury, he could not say, but the fact was that between the 2nd and 16th of May £47,000 (he spoke from memory) was subscribed in Calcutta alone. The last letter which he received from Lord Elphinstone, not by the last but by a previous mail, stated that the subscriptions in Bombay, had reached £700,000, £30,000 having been subscribed within the last three or four days, and they were going on rapidly. The loan, which it must be remembered was not contracted as in England, but was an open loan, like that raised in France during the late war, had now risen to nearly £2,000,000. As for the losses sustained by the Indian Government, they did not exceed, up to the present moment, from £140,000 to £200,000. It was true that there would be great loss from the difficulty of collecting the revenue in certain districts, but two Presidencies were wholly unaffected and several of the richest districts of Bengal. At the recent sales of opium, too, the prices had been higher than on previous occasions. Therefore, as far as he could see, the Indian Government would not be obliged to make any requisition at present upon England, but if further disastrous events should occur, compelling that Government to apply to this country for money, he was sure the House of Commons would bear in mind that India was an integral and valuable part of the British empire, and would not refuse assistance to those who administered the Indian revenues.

Lord JOHN RUSSELL: As I did not hear my right hon. Friend's former statement, I wish to mention some points in the statement of the right hon. Member for Oxford University (Mr. Gladstone) which certainly deserve explanation; but I think there is some inconvenience in mixing up in this discussion three subjects of great importance. My hon. Friend who has just spoken, addressed himself exclusively to the subject of India, and what I have to say refers to the subject of China. I am not going to speak with respect to the justice or morality of the proceedings conducted there by the British authorities, they have been properly characterized by the right hon. Member for Oxford University; but what I now wish to learn is, the nature of the hostilities which we are to carry on. It is not pleasant to be engaged in a war which one does not consider just; still one wishes the reputation of this country to be maintained. It appears that our authorities in China, some time in October last, attempted hostilities against Canton. From October to the last accounts, some time in May, there has been nothing done which would impress the authorities at Canton with any sense that they must yield to our demands. On the contrary, we had retired from the positions we held some months ago. In letters from persons in that country it was said, that the naval force there was found to be insufficient—I do not mean in amount, but that it was not of a nature calculated to enforce our demands. In those letters it was generally said, that they must have land forces to enable them to get possession of the heights above Canton and Canton itself; to enable them, too, to hold those heights and the city, in order to induce the Chinese authorities there to comply with our demands. Now, two or three nights ago, my noble Friend at the head of the Government was asked what was to be done with the troops sent to China; and I understood him to reply that those troops would be immediately recalled for India, and that orders had been given to Lord Elgin that they should proceed immediately to Calcutta. No one would find fault with that disposition; but my noble Friend went on to say that there would be still quite sufficient force at Canton to enforce compliance with our demands. Now, this raises a question in my mind which I think the Committee will deem of very considerable importance. I can understand very well that our land forces being in the occupation of Canton may make the Viceroy there yield to demands which otherwise he would not concede. The hostilities—because, mind, all the time it is not war;—some hon. Gentlemen on the hustings and elsewhere have declared themselves very vigorously for the prosecution of the war with China, but the Government never said that there was a war—the hostilities, then, would be with Canton, and Canton, no doubt, would fall into our possession; and we shall have a better prospect of obtaining the terms we demand, whatever they may be. But with a naval force, and a naval force alone, our proceedings must be different. I imagine that we may gain some advantage by means of the gunboats sent out there in the destruction of a number of junks which now conceal themselves in the rivers; but the destruction of any number of those worthless junks will probably make no alteration in the disposition of the authorities at Canton. Then, what other means are there of attaining the desired object? You have in the naval force the means of blockading the northern ports; but with them I must say that you have hitherto, notwithstanding the hostilities at Canton, been on terms of peace and amity. Every account shows that that there is no disturbance in those friendly relations, but that, on the contrary, trade is carried on very vigorously with Shanghai, Foochow, and other places, without regard to the hostilities existing between Commissioner Yeh and Sir J. Bowring. Then the question I wish to ask is, whether, having only a naval force and no power but that of blockading the northern ports with the view of obtaining compliance with the demands you made at Canton, you do not, if you take that course, turn the partial hostilities at Canton into war with China; because in that case, no doubt, the Imperial Government must consider the empire attacked. If the ports generally are blockaded, there can be no resource but to make war with China, and to enforce your demands by means of war. The very remarkable phrase of my noble Friend, that though the troops would be diverted from China, still the Government had the means of obtaining all their demands there, appeared satisfactory to the House, but was unsatisfactory to me; for I cannot tell whether it meant that we were to transfer hostilities to the northern ports, and thereby make war with China, or whether it meant something else. I should like also to know what is the present object of these hostilities? We know that the first hostilities took place because the Chinese Commissioner refused to make an apology in writing and to restore the men, taken from the lorcha, on board the lorcha, when they had already been restored at the Consul's residence. Other demands were afterwards made about free entrance into Canton; and these demands were not being complied with. But what the present demands may be, I, for one, am totally ignorant of. When we are going to vote a large sum of money—probably only a prelude to another sum as large, if not greater—it is fit that we should know whether it is meant to go to war with China instead of carrying on hostilities at Canton; and if so, what are the demands we make on China?

VISCOUNT PALMERSTON:—My noble Friend and the right hon. Gentleman the Member for the University of Oxford retain their opinions as to the proceedings which have taken place in China. They are perfectly welcome to retain those opinions. The people of England have decided the question; and therefore, though my noble Friend thinks those proceedings flagitious, and though the right hon. Gentleman the Member for the University of Oxford, shares that opinion, that is a matter of total indifference to her Majesty's Government. We rest upon the sanction which the people of the United Kingdom have given to these proceedings, and having made an appeal to the country, we are content with the result. The right hon. Gentleman has stated that on account of some wonderful information received from some authority he has not condescended to name, he is satisfied that the flag was not flying on board the lorcha at the time when she was boarded by the Chinese, and he is pleased to say that on the circumstance of the flag flying rested the whole of the Government justification. Now, in the first place, I beg to remind him that it was proved by the evidence of eye-witnesses, that not only was the British flag flying, but also the "Blue Peter," which was a signal that the lorcha was on the point of departure. I beg leave to say, however, that the case did not turn upon the fact of the flag flying, but upon the fact that the lorcha had been lying for several days in the port of Canton, and that the Cantonese new that she was a British vessel employed for British purposes, and therefore, even if the flag had not been flying, they committed a deliberate violation of international law. I thought my right hon. Friend had had enough of the Chinese question, without perpetually endeavouring to thrust it so unnecessarily into our debates. My noble Friend (Lord John Russell), however, has asked questions which relate much more directly to the subject we are discussing. My noble Friend misunderstood in some degree what he supposes me to have said on a former occasion. I did not say that the troops were withdrawn from China. What I said was that troops which had not arrived in China, but had been despatched to Singapore to await further orders, had been diverted from their intended destination, which was originally China, and that they were to proceed to India. But no orders have been given to withdraw from Hong Kong any troops that have already arrived there, and the troops at that station are stated to be sufficiently numerous for the services which are required from them. The course which the Government are pursuing has already been explained so clearly, that I am surprised my noble Friend should ask for any explanation on the subject. It is well known that Lord Elgin was sent out for the purpose of entering into communications with the central Government at Pekin, and that until the result of those communications is ascertained by him, no further operations of any magnitude are to be undertaken at Canton. The season of the year, indeed, would render military operations by land upon any considerable scale undesirable until the commencement of the cool season, and in the interval the negotiations will have taken place. My right hon. Friend, the First Lord of the Admiralty, as was stated the other evening, is about to send a force of marines to reinforce the squadron in the waters of Canton, and a number of gunboats were arriving at the time the last accounts were despatched. My noble Friend says that when these gunboats have arrived they will, perhaps, destroy a fleet of miserable junks. Why, these miserable junks are war junks of considerable magnitude, and in great numbers, which have materially interrupted our communications with Hong Kong; and when the gunboats shall have arrived, I don't think any doubt can be entertained that our admiral will give a very good account of those miserable junks—as my noble Friend is pleased to call them—which, as is well known, are formidable to merchant vessels, although they may not be able to cope with gunboats, which can follow them into shallow water. The course we are pursuing is this. We are not going to make war with the northern ports, which maintain the most friendly relations with British merchants. We are going in the first place to adopt a course which seems most consonant with international usages. Great outrages upon the British flag and upon British subjects have been committed by the local authorities of a port in China, and we shall address ourselves to the Emperor of China for redress and satisfaction. We have sent a special mission from this country for the purpose of entering into negotiations with the Imperial Government, and making demands upon that Government. As my noble Friend properly stated, we are not at war with China at the present moment. There has been a collision between the local authorities, Chinese and British, and Canton and Hong Kong, but that does not of itself constitute war between England and China, and we may hope that the Imperial Government will take such a view of the transaction that it may be ready to afford that satisfaction and redress, which will render war unnecessary. But, at the same time, anticipating the possibility of a different issue, we are sending a military force to Canton, which will enable the commander of the British forces to act against the city of Canton, if the Imperial Government refuse or are unable to give us the satisfaction we demand. We did not think that a temporary diversion of the force which was directed to rendezvous at Singapore would essentially interfere with ultimate operations in China, if they should become necessary. In the present state of affairs, therefore, I can only say that we have taken measures for opening negotiations with the Imperial Government at Pekin; that we are not without hopes that those negotiations may render any further hostile proceedings unnecessary; but that if those hopes should not be be realized, we shall have the means of carrying on hostile operations in a manner which, I trust, will enable us to enforce the redress we demand.

MR. DISRAELI: I am somewhat surprised at the tone of the noble Lord with regard to this subject. He says that the opinions of the right hon. Gentleman (Mr. Gladstone) and the noble Lord (Lord J. Russell) respecting our relations with China are to him a matter of perfect indifference. I will leave the noble Lord and the right hon. Gentleman to settle that question with the First Lord of the Treasury whenever they may choose to avail themselves of the opportunity, but I cannot help noticing the reason assigned by the noble Lord for regarding the opinions of these two hon. Members of this House as a matter of perfect indifference. It is, he says, because at the late general election the people of England expressed their opinion upon the subject of his Chinese policy. To that national opinion he appeals, and, supported by that opinion, he can afford to treat with perfect indifference the sentiments of two hon. Members of this House whose views have generally exercised some little influence upon our deliberations. But looking to the general verdict given by the people at the late election, to which the noble Lord has appealed, it was, as I understood, in favour of a vigorous prosecution of the war in China, and I am not sure that the people of England will regard the present sentiments of the noble Lord on that subject with the perfect indifference which he extends to the opinions of the right hon. Gentleman and the noble Lord. Is the noble Lord performing that contract into which, according to his own account, he entered with the people at the last election? Is this war with China vigorously prosecuted? Why, according to the noble Lord, it is no war at all. Are hostilities even carried on? According to the noble Lord there are no troops to prosecute them. Why, the very issue which was placed before the people of England, on which their opinion was demanded, and to obtain their verdict upon which Parliament was dissolved, no longer exists. The noble Lord is installed in power, and is proud of his position because he is not performing a contract which, according to his own account, he was bound to fulfil, and in the fulfilment of which this House was elected in order that he might have a powerful majority to support him. It is, then, most extraordinary that the noble Lord should now taunt hon. Members who disapprove his Chinese policy with the perfect indifference with which he regards their opinions, because he can appeal to the opinion of the people of England when upon this very subject he has left the people of England in the lurch. The question which this Parliament was elected to prosecute has absolutely become a matter of perfect indifference to the noble Lord. The noble Lord further assailed an hon. Member of this House, because he had unnecessarily dragged the subject of China into our deliberations. What have we before us. We are called upon to vote £400,000. to defray the expenses incurred in the Chinese waters, and the noble Lord will not allow the subject of China to be alluded to! The fact is, that these discussions are no doubt extremely inconvenient to the Government, because the people of this country must naturally ask themselves "Why are these hostilities with

China not vigorously prosecuted? and why is that vindication of the honour of England, which we were told a few months ago from every hustings was so important and so necessary, delayed or forgotten?" and because the policy of the noble Lord has in our own possessions brought about a state of affairs that renders it necessary for us to devote all our energies—all those energies which are requisite to vindicate our honour in China and in Persia—to support in an important part of Her Majesty's empire our own rule, which has been distracted and may be destroyed, by the policy of the noble Lord.

VISCOUNT PALMERSTON: I really must take leave to congratulate the right hon. Gentleman upon the belligerent impatience he has manifested; and I count upon his entire support when the result of our operations shall crown the wishes he has so ardently expressed. I can assure the right hon. Gentleman that he will not be disappointed, for we are pursuing in proper course the objects which the people of this country and the right hon. Gentleman so ardently desire—the redress of injuries and the vindication of our national honour; but we consider that the best mode of attaining those objects is by pursuing the course sanctioned by international usage—namely, by applying in the first instance to the Government of China for redress before proceeding to hostilities. Our intention to pursue that course was announced when Lord Elgin was first sent out. The right hon. Gentleman says I complained that the Chinese question had been introduced into this debate. Now, what I did complain of was that the right hon. Member for the University of Oxford should have gone back to the case of the lorcha, and I said my noble Friend appeared to me to have taken a juster view of the subject when he asked questions relating to our general policy with regard to China, to the conduct of the war, and to the objects we had in view. I could not of course complain that the Chinese question should have been introduced, because that is the very subject of the Vote we are considering.

LORD LOVAINE said, he thought it was a pity those remonstrances to the Emperor of China were not made in the first instance, when we were supposed to have suffered wrong from China. If his recollection served him right, not even twelve hours were allowed to elapse before the admiral in command bombarded the defenceless city of Canton, when he destroyed several hundreds lives, and the property of a great number of individuals. ["No, no!"] It was such a bombardment as dropping a shell into the city every five minutes.

SIR CHARLES WOOD said that much had been said in the last Parliament of the wanton bombardment of that defenceless city. He had stated at the time that he did not believe that any bombardment had taken place; and within the last fortnight he had received a letter from Admiral Sir Michael Seymour informing him that he (Sir Charles Wood) had been quite right in the interpretation he had put on the account of what had occurred. In that letter Sir Michael Seymour declared that it was altogether untrue that he had bombarded the city of Canton, or ever thrown a shell against any portion of it.

LORD LOVAINE said his statement was founded on the papers which had been furnished to the House, and if those papers did not bear him out he could only say that no trust was to be placed in the documents inserted in the blue-book.

MR. ROEBUCK asked if the right hon. Baronet (Sir C. Wood) had any objection to produce the letter to which he referred?

SIR CHARLES WOOD said that the letter to which he referred was a private letter—it was a private letter from Sir M. Seymour to himself. He would, however, bring it down to the House on Monday evening, and he would then have no objection to read the passage to which he had referred. He could not lay it before the House as it was a private communication; but he would be prepared to show it to any person who might doubt its authenticity.

MR. DISRAELI said, he did not suppose that any hon. Gentleman in that House doubted the word of any individual in it, and no one who had sat with the right hon. Gentleman in that House could for a moment suppose that he would state what was purposely an equivocation. But it was quite monstrous to suppose that a Minister should rise in his place, and on an occasion like the present make an important statement from a document not on the table of the House, and say it was private. It was the rule that a paper used by a Minister in that House became a State paper, even though it were a private letter. And it was monstrous that a gentleman in the position of the First Lord of the Admiralty should take offence because an hon. Member questioned the propriety of his appealing to a private letter for the purpose of influencing a debate. There should be no reference to any papers that were not on the table, or that were not meant to be laid on the table afterwards; for the moment a Minister referred even to a private letter it became a State document. That was a salutary principle that had always prevailed in their debates. Were it otherwise the opponents of the Minister could have no chance in debate, for he might always be referring to private papers in his portfolio to support his case. In the debate on the Motion of the hon. Member for Sheffield (Mr. Roebuck), last night, the right hon. Gentleman opposite was about referring to a private letter when he was called in question. [Mr. VERNON SMITH: It was a public letter.] What! a public letter? Then that was a worse case still. It was a most flagrant case—a public document that was a secret from the House referred to in debate by the right hon. Gentleman to contradict a statement made by the hon. Member for Sheffield, and referred to for the purpose of conveying to the House what was the policy of a former Cabinet of which the right hon. Gentleman the Member for Carlisle was a Member. Neither a public nor a private letter ought to have been used if it could not be laid on the table. That was a principle which has ever been accepted in this house, and which he hoped would continue to be the guide in these matters. As regards the point in dispute itself he would only make this observation—before the dissolution of Parliament hon. Gentlemen opposite actually cheered because Canton had been bombarded, and now they vociferously cheered because they were told that Canton was not bombarded.

VISCOUNT PALMERSTON said, he apprehended that the principle which governed the reading of letters was this: If a Minister read in his place any document, whether public or private, he was bound to lay on the table that which he had read. If he read a portion of a private letter or despatch, and if the House should think that that which he had not read might in any degree alter the sense of that which he had read, he might justly be required to lay the whole on the table, but he could not admit the expediency of the principle which the right hon. Gentleman endeavoured to establish, that a Minister should, more than any other hon. Member, be precluded from repeating to the House information which he had received in a private communication. So little was that the rule that it often happened that Ministers were asked whether they had received such communications; and, in short, were they precluded from stating to the House information received from the private communications of officers and others, the House would be deprived of much information which it now obtained.

MR. JAMES WHITE said, that as from a long residence there he had obtained a personal acquaintance with China and the Chinese, he trusted he should be pardoned for making a few observations on some of the points which had been raised in the course of the discussion. He thought that it was obvious that the differences of opinion which had arisen as to the bombardment of Canton had sprung up from a misunderstanding on both sides. Canton had not been, as he believed, bombarded in the sense in which military men and civilians understood that word. By bombardment he understood the firing of shot and shell indiscriminately into a town, to compel its surrender or evacuation, and he hesitated not to say that such a bombardment Canton had not undergone. A few shot and shell were sent into the Yamun, or Government offices, and the residence of the Viceroy in Canton (which occupied a large space), to show the authorities what we might do, if compelled; but this was not a bombardment in the ordinary sense of the term. As a commercial man, and as one of a class who deplored the stern necessity of coercive measures in China, besides having a deep personal interest in the early re-establishment of amicable relations with the South of China, he would take occasion to thank the noble Lord for the explanation he had given regarding the northern ports of China, for he felt the policy which had been adopted by the Government of localising this quarrel, was the best policy, and would conduce to a good understanding with the northern ports: and he was, in that House, glad to testify to the magnitude of the British interests involved in the most northern of those ports, in which he had passed so much of his life, viz., Shanghai. It was not alone British energy—British enterprise—which had raised that place (a few short years since not discoverable on the maps) to be a great entrepôt, but it was also the kindly feelings and thorough sympathies of the Chinese residents with us foreigners, which had made Shanghai rank as it now did, the second port in Asia for the value of its imports and exports; and therefore, as regarded the general question of the war, he did not share in that feeling of detestation and abhorrence for the Chinese which had been so freely expressed in the course of these discussions. He deeply deplored that the high intelligence of the right hon. Member for Oxford (Mr. Gladstone) and the great constitutional knowledge of the noble Lord the Member for London, had not led them to address the full vigour of their faculties to this subject, in a calm dispassionate, and non-party spirit. Had they done so, they would have soon found that the quarrel at Canton did not hinge on the fact of whether the British flag was or was not flying on a paltry lorcha, but on the great consideration whether the perverse policy which the Cantonese had so consistently pursued for a long series of years towards the British—as well as other foreigners—was any longer to be tolerated. For himself, he (Mr. White) believed, and was there constrained to avow his belief, that the extravagant expenditure of successive Home Governments, and the impatience of every Chancellor of the Exchequer to secure the tea duties, had compelled the British merchants in Canton to submit to a long series of indignities which otherwise would have been long since suppressed by the power of the British Government. The very flattering reception he had, as a new Member, received, encouraged him to trouble the House with a few more observations; and he would now take the liberty of addressing himself directly to the noble Lord at the head of the Government. It might be that the policy about to be pursued by the noble Lord was wholly consistent with the strict canons of international law, and conformable with the comity of nations; but in its results it must be a miserable failure as an initiative diplomatic proceeding. In appealing first to the Emperor of China, the reply from Pekin would be what it had always hitherto been. There would only be another reference of the appellants to Yeh, the Viceroy of Canton, and who, as directing all external relations, might be considered now as the Lord Palmerston of China. When he said this, he would not wish to be misunderstood. Yeh, was a man of great energy and talent, as well as high intelligence, and filled some of the highest offices in the empire. Besides, being the President of the Privy Council, and Guardian of the Heir Apparent, Yeh was also titular Commander in Chief, and he exercised sundry other important functions. But the main significance of this enumeration of offices was this—that he (Mr. White) would wish to impress on the noble Lord, and on the House, that, as regarded all foreign relations, Yeh was the *alter ego* of the Emperor of China, and the decision of Yeh would be that which would ultimately take effect, unless, indeed, as he (Mr. White) trusted would be the case, the noble Lord despatched instructions for the immediate occupation of Canton. In offering this advice to the noble Lord, he would add that he, and the class he represented, wanted an augmentation, not of territory, but of trade; and he should be well content with an occupation of Canton, in which England should be cordially united with France, America, and other Christian powers. In point of fact he only desired to see Canton held as a "material guarantee," until all our just requirements should be complied with. In conclusion, he would take occasion to tranquillize the apprehensions of the House, and gladden the right hon. Gentleman the Chancellor of the Exchequer with regard to the financial part of the operations in China, by giving him and the House the assurance that the cost—whatever it might be—could, and no doubt would be reimbursed out of the abundant recources of the Chinese empire. Or if not, by the issue of debentures on the security of the duties now exigible from the foreign merchants on the export of native, and the import of foreign commodities into China. Thus, every charge for the coercive measures now necessitated in China would be very readily liquidated. And he would add, looking to the enormous augmentation of the mutual trade which must ensue from a revision of the existing treaty with China, that any consequent cost could then be easily reimbursed by the adoption of the plan he now recommended, without any real loss or pecuniary mulct to the Chinese.

Sir CHARLES NAPIER said he wished to express his conviction that Sir M. Seymour must have used every effort in his power to obtain by peaceable means, satisfaction for the outrage on the lorcha before he fired a single shot into Canton; and with respect to divulging the contents of private letters to the House on public affairs, to state that that was a power which the late First Lord of the Admiralty claimed to exercise when in office.

THE CHANCELLOR OF THE EXCHEQUER said, that in reply to the right hon. Gentleman, the Member for the University of Oxford, who had contended that he was not entitled to take credit in the revenue of this year for the balance of last year beyond the Estimates he had made, because that balance was due to the Commissioners for the Reduction of the National Debt, it was only in the case of excess of revenue over the expenditure that the balance was paid over to the Commissioners for the Reduction of the National Debt. Therefore the sum he had mentioned was really an addition to the revenue of this year. With respect to the probable demands of the Exchequer with reference to our proceedings in India, the Chairman of the East India Company had truly stated that Her Majesty's Government, as at present advised, saw no reason to anticipate any demand from Parliament this Session, in respect to advances for India.

MR. HENLEY said, the Chairman of the East India Company had distinctly stated, after complaining of the mode in which the Company had been treated in asking for their own, that after this sum of £500,000 there would be another half million due to them by the Government, whereas the right hon. Gentleman had put it at £400,000.

THE CHANCELLOR OF THE EXCHEQUER.—The Estimate is upon the table of the House.

MR. HENLEY said, it was odd, although only an estimate, that the sum should be so different; besides, the estimate at first was for £250,000, then the House was asked for £500,000, and now there was a further sum of £400,000 or £500,000 to pay.

THE CHANCELLOR OF THE EXCHEQUER said, the sum originally stated was an estimate of the sum the Government proposed to pay in respect to what fell due on the 1st of April.

MR. HENLEY said, that seeing the hon. Gentleman the Chairman of the Company again in his place, he would repeat what he had stated in regard to the sum claimed from the Government. The hon. Gentleman should have made his complaint to the Government, because they had found fault with the Government in keeping them in ignorance of what was really owing. He wished an explanation of this matter from the hon. Gentleman. The Chancellor of the Exchequer said according to the estimates the debt was only £400,000 instead of half a million, alleged by the Chairman of the East India Company to be due.

MR. MANGLES said he spoke from memory when he stated the sum to be £500,000, and could not at that moment give the precise amount. There was, however, a sum which the Company believed the Government owed them, but which the Government, on the other hand, said they did not owe them.

MR. HENLEY said it would be desirable to know whether the sum of £500,000 was a surplus over and above the Estimate now before the House. [Mr. MANGLES: No, no!] What, then, was the sum in dispute?

THE CHANCELLOR OF THE EXCHEQUER said, the Estimate laid on the table contained the entire expense, as estimated by the East India Company, of the expedition to the Persian Gulf. That was all that the Government undertook to defray when they communicated with the East India Company, and the Treasury minute on that subject was perfectly explicit. Some additional expense was incurred by the East India Company overland, amounting to about £300,000, and if that item should eventually be decided to fall within the expenses of the war, one moiety of it would be due from the Exchequer; but at present the Government did not admit that that was so, and therefore he had not included the sum in the Estimate before the House.

MR. HENLEY observed that he understood that the £300,000 was plus the £800,000 in the Estimate.

MR. MANGLES said, this Estimate included the whole of the estimated expenditure for the expedition to the Persian Gulf. The other sum related to a matter upon which there was a dispute between the Government and the East India Company.

LORD JOHN MANNERS remarked that he understood the right hon. the Chancellor of the Exchequer to say that the Estimate for the war with China was reduced by £100,000 in consequence of the troops being transferred from Singapore to India, and that, as regarded the £100,000, it was a matter for consideration whether the East India Company should bear a share of that expenditure.

THE CHANCELLOR OF THE EXCHEQUER said, the noble Lord had entirely misunderstood his meaning. The hon.

Member (Sir H. Willoughby) asked whether the expense of the transport of troops to India told upon the English or upon the Indian Treasury. In his answer he said that generally the rule had been that the expense of the transport of British troops sent to do service for the East India Company fell upon the Indian Treasury; but that with regard to those troops destined originally for China, but now ordered to stop at Singapore and diverted to India, it was a question whether it ought to fall upon the English or the Indian Treasury.

Vote *agreed to.*

(2.) £400,000, China (Military Operations).

MR. PALK said he wished to ask a question of the noble Lord at the head of the Government. The House had been addressed by hon. Gentlemen who were considered its leaders, but yet he must confess his utter ignorance whether we were or were not at this moment at war with China. They were told that the war was confined to hostilities between Commissioner Yeh and Sir J. Bowring. The question was, whether the money they were now called on to vote was in aid of a war against China? Were we or were we not at war with China?

VISCOUNT PALMERSTON said, he thought that the condition of our relations with China was pretty well understood by this time. Hostilities of very serious magnitude had occurred between the local Government of Canton and our Authorities, naval and military, at Hong Kong. Those hostilities had led to considerable expense, but with regard to the empire of China we were not at war. We were in a state of perfectly good relations with the other four ports, and were not at war at present with the Emperor of China. We had sent a Commissioner to negotiate with the Emperor of China, in the hope that by his own authority he would give those orders which would prevent actual war with the empire. That was the actual state of things at present.

LORD JOHN MANNERS asked whether this sum included the cost of transport?

SIR CHARLES WOOD said that nearly the whole of the Vote was for the transport of troops. The Estimate was originally £500,000 for the transport and lodging of the troops. Having diverted the troops from Canton to India, they would not be lodged at Canton, and the Vote was reduced from £500,000 to £400,000.

COLONEL KNOX said, that as they now distinctly understood we were not at war with the Emperor of China, he wished to know whether, in the event of Lord Elgin arranging the matters in dispute with Commissioner Yeh, Commissioner Yeh would be authorized to give us indemnity for the expenses incurred?

VISCOUNT PALMERSTON had not stated that Lord Elgin would negotiate with Commissioner Yeh. Lord Elgin was gone to negotiate with the Government of Pekin.

COLONEL KNOX said the noble Lord had not answered the question. If he had understood the noble Lord correctly, the noble Lord stated that we were not at war with China. Therefore we had no cause of quarrel with the Emperor. The quarrel was with Yeh, and what he wanted to know was, whether there was any possibility of Yeh having power to indemnify us for what we had expended?

VISCOUNT PALMERSTON said, he had stated that we were not at war with China, but had great cause of complaint against a subordinate officer of the Emperor, and had demanded redress of the Emperor, seeing that the local authorities were not able to procure redress from the subordinate officer. The Emperor, of course, could do what he pleased as far as giving powers to indemnify us.

COLONEL BOLDERO said, the number of men voted for the Colonies and for home service was 123,000. The Government was taking away 15,000 or 20,000 men. He wished to know whether the Government intended to raise the force of men up to the number voted by Parliament, and if so, how could it be done?

VISCOUNT PALMERSTON was understood to say that by recruiting and withdrawing men from the Colonies the Government would replace the men sent to India, or a portion of them.

Vote *agreed to.*

SUPPLY—ADDITIONAL SEAMEN.

(3). Motion made, and Question proposed,—

> "That 2,000 additional Men be employed for the Sea Service for nine months, ending on the 31st day of March, 1858."

LORD ADOLPHUS VANE-TEMPEST said, that the Vote of 2,000 additional men for the Navy naturally brought forward the whole subject of home defences. If he were to follow his own view of what was beneficial for the country, he should propose that the Chairman report progress. He did not know whether the exigencies of critical times in India made it a necessity that the Vote should be passed this evening, and as he was a comparatively inexperienced Member, he would not undertake, unless he were supported in his view, the grave duty of urging the postponement of the Vote. But as a Member of the House, and as an officer of the army, he could not refrain from bringing before the notice of the House the extraordinary position in which the country at this period stood with regard to the army. There had been considerable discussion upon the several wars into which we had been brought by the noble Lord at the head of the Government. He was one of those who supported the noble Lord in his Chinese policy, and his main reason for so doing was that he thought that the honour of the English flag should be maintained, and that officers in responsible situations at a distance should be upheld by the Government at home. He shared however in the feeling expressed by the right hon. Gentleman, the Member for Buckinghamshire, and agreed in thinking the tone the noble Lord had adopted that night, when he stated, as he had, that England was not at war with China, was very different from the tone he adopted on the momentous occasion which produced the late dissolution—a change which was not likely to meet with the same approval of the country. But what he wished to bring to the notice of the Committee was, that, simultaneously with the war in China; simultaneously with the expedition to Persia; simultaneously, if it could be proved, with warnings both from the Commander in Chief and the Governor General of India, of their uneasy sensations with regard to what they conceived to be an uncomfortable feeling in the Bengal Army—simultaneously with those three events, the noble Lord at the head of the Government had sanctioned an enormous diminution of the army and navy. The regiments of the army had been reduced by 150 or 200 men; the most efficient arm of the service, the artillery, had been reduced by 2,000 trained and practised men, and they were now recruiting young and inexperienced soldiers to fight the battles of England. It was a late hour to detain them—one o'clock; but he felt bound to state, and he believed events would corroborate his statement, that grave responsibility rested upon the Government for entering into wars which they conceived the policy of England required, at the same time that they determined to reduce the army to the extent they had done. The question which he wished to ask the noble Lord was, whether he intended to increase the army? He also wished to know what steps the Government intended to take in order to replace the 20,000 men who were about to proceed to India? The House had heard from different members of the Government the most contradictory statements with respect to the conveyance of our troops to India. One had stated that some were to be sent in sailing vessels and some in steamers; another that no steamers were to be employed as transports; while the First Lord of the Admiralty had instituted a comparison that evening between the capabilities of sailing vessels and steamers. Now, the question was not one of sailing vessels or steamers, but one of sailing vessels with auxiliary screws. Our merchants paid an increased freight for the advantage of placing their goods on board ships with auxiliary screws, because to them time was money, and he asked, was it not equally so to us in the present critical posture of affairs in India? The House was asked to vote 2,000 additional men for the navy; but no addition was to be made to the army, although a large military force was to be sent to India, and events might occur in Europe to render extremely dangerous the want of a sufficient number of troops in this country. He hoped that the House would not be prevented by the Government from discussing the defenceless state of the nation, and thinking that the present Vote would afford them an excellent opportunity of doing so, if postponed till some more convenient occasion, he moved that the Chairman report progress and ask leave to sit again.

Motion made, and Question proposed, "That the Chairman do report progress, and ask leave to sit again."

SIR CHARLES WOOD said, he could assure the noble Lord that he had not had (in his previous remarks) the slightest wish to prevent a discussion upon the state of our defences. What he had objected to was the raising of that important question incidentally upon a Motion for the adjournment of the House. He had already, in reply to a question from the hon. and gallant Member for West Norfolk, (Mr. Bentinck,) stated the reasons which induced him to ask for 2,000 additional men for the navy. A naval squadron was indispensably necessary in the Indian Ocean; and, in order to provide it with efficient crews, the House must authorize him to increase the seamen in our service by the number mentioned in the Vote. He hoped the noble Lord would not persist in his Motion for reporting progress.

Admiral WALCOTT said he was only sorry that the First Lord had not asked for 5,000 men instead of 2,000, because he was persuaded that our navy was far from being in a proper state of efficiency. The blockships referred to by the right hon. Baronet in the early part of the evening were, it was true, in a state of perfect order; but they were only four or five in number, and they were all we had for the defence of our coasts. We had four sail of the line in the Mediterranean, one at the Cape of Good Hope, one in the Indian Ocean, one in the Pacific, and one on the coast of Brazil; but to meet any sudden emergency we had not a single line of battle ship upon which we could depend. He considered that a fearful circumstance, and trusted that the Government would give it their earliest and most serious attention.

Mr. HENLEY said he would beg to call the attention of the Government to the fact that now at twenty minutes past one o'clock there were thirty Orders on the list before they could get to the notices. He asked whether they were to sit there *in perpetuo.* He thought the Chairman ought to report progress.

The CHANCELLOR of the EXCHEQUER said, that if the Committee would agree to this Vote, he would postpone the other two till Monday.

Admiral WALCOTT also hoped the Committee would agree to the Vote.

Sir CHARLES WOOD said, as there was no objection to the Vote itself, he trusted the House would assent to it, and any discussion upon the state of the national defences would be taken upon the Report.

Colonel KNOX warned the noble Lord at the head of the Government that if he took no steps to fill the vacancies caused by the abstractien of the troops which were to be sent to India, they might be placed in a most serious predicament. He could not see the way in which it was to be done.

Viscount PALMERSTON said, he hoped that the Committee would agree to these Votes, seeing that everything that had been said was in the direction of their approval. The gallant Officer opposite wished to know how the force about to be sent to India was to be replaced, but this Vote was for an augmentation to the navy, and therefore should, so far as it went, meet with his approval. With regard to the army, the intention of the Government was to commence recruiting as soon as possible, in order to supply the places of the men about to be sent to India. If that should not be found sufficient, it would then be for the Government to consider what further steps they should pursue. After the general approval expressed, he hoped that hon. Members would not further obstruct the present Vote.

Admiral DUNCOMBE said he was in favour of agreeing to the Vote.

Sir CHARLES NAPIER said, that he had a great many observations to make on this question, and he hoped the noble Lord would persist in his Amendment.

Mr. BENTINCK said that he would not object to the Vote being taken now, if a distinct pledge were given that the Report should be brought up at such a period of the evening as would allow the matter to be fully discussed.

Sir CHARLES WOOD assured the Committee that the Report should be brought up the first thing on Monday.

Motion, by leave, *withdrawn;* Vote *agreed to,* as were also the following:—

(4). £70,820, Wages to additional Seamen.

(5). £28,276, Provisions, Victualling Stores, &c., for additional Seamen.

The House resumed. Resolutions to be reported on *Monday* next; Committee to sit again on *Monday* next.

OATHS VALIDITY ACT AMENDMENT—LEAVE.

Lord JOHN RUSSELL, in moving for leave to bring in a Bill to amend the 1st and 2nd of Victoria, chap. 108, entitled "An Act to remove doubts as to the Validity of certain Oaths," said that the Act which he wished to amend was introduced by Lord Denman, to enable persons to take an oath according to the form and ceremony binding on their own conscience. The same Act rendered any person forswearing himself liable to the pains and penalties attaching to perjury. There was some doubt in that Act as to how far its principles would extend, and he now proposed that that principle should apply to Members of the High Court of

Parliament. This would not necessitate any alteration in the substance of the oath, but only in the form in which it was taken in particular cases. It would place certain persons who could not take the oaths as they at present stood in the same position as the Quaker, by allowing them to take them in the way most binding on their conscience. This Bill was in conformity with what he believed was the law for 200 years, and, at all events, with what Lord Hardwicke declared to be the law in the last century. He concluded by asking for leave to bring in the Bill.

Motion made, and Question proposed,—

"That leave be given to bring in a Bill to amend the Act 1 & 2 *Vict.*, c. 105, intituled, 'An Act for removing Doubts as to the Validity of certain Oaths.'"

MR. WALPOLE: The statement which the noble Lord has just made would not certainly lead the House to any just conclusion as to what is intended by the Act; but the statement which the noble Lord made during the evening upon the question of the adjournment of the House to Monday, so irregularly, has intimated to this side of the House what the object he proposes to effect by this Motion really is, and, therefore, I take it for granted that his object is to try, a second time, to introduce a Bill in the same Session of Parliament which has seen it defeated once. The Bill he proposes to introduce he says, is founded upon an Act of Parliament made at the commencement of the Queen's reign; but in doing so the noble Lord has confounded two things essentially distinct, which will readily be seen if you compare the object of the Act of Parliament with the object of the present Bill. The object of that Act was simply that, where a witness should be required for the purpose of justice to give evidence in a court in which an oath was necessary, that oath should be taken in a form most binding on the conscience of the person taking it, in order that justice might not fail. But the object of the noble Lord is totally different. It is not only to admit members of the Jewish persuasion to Parliament, but, as intimated at the commencement of the evening, it has an object not consistent with what has been the law of the country for 200 years, and it will actually set aside the deliberate judgment of the Court of Exchequer, which has determined that the words "on the true faith of a Christian" are a part not of the form, but of the substance of the oath. For that reason, I say that the Bill the noble Lord wishes now to introduce is not founded on the Act of Parliament to which he refers, but on totally different principles. But, Sir, the one objection which ought to prevail in the House of Commons is that this is an attempt to introduce in the same Session of Parliament a question which has been already decided, and which, therefore, cannot be again brought forward in this Session. By so attempting to violate the spirit of the rules and practice of Parliament, you are deliberately putting yourself in opposition to the other House of Parliament, which has never been considered a wise course for the House of Commons to pursue, and which can only be pursued upon the ground, not that you wish to convince but that you wish to overawe the House of Lords (cheers). Those cheers from below the gangway clearly indicate that you are going to do what once only has been done in the history of the country—you are going to make an attempt, by Resolution of one House of Parliament, to overrule the deliberate voice of the other. These principles, so dangerous and so detrimental, are used for the purpose of advocating the admission of Jews to Parliament; but I say that in order to maintain the dignity and authority of Parliament this Bill ought not to be introduced. I may add one other reason. We are now at the end of the Session; you have got a multiplicity of business on your hands; and, considering that this is a question which must lead to prolonged debates, it is far from wise to re-open it. I shall, therefore, oppose its introduction.

MR. ROEBUCK said he agreed with the right hon. Gentleman to some extent. This Bill was not wanted; the present law was strong enough. The words of the Act were remarkable—"In all cases in which an oath may lawfully be administered to any person, either as a juryman or a witness in any proceeding civil or criminal in any court of law in the United Kingdom, and in any office or employment on any occasion whatsoever." What could be stronger than that? He asked the House to be their own lawyers, and not to be ruled by any Court of Law or Court of Exchequer whatever. With respect to the House of Peers, let them look at what had been done in the Wensleydale case, and apply the same rule to their own conduct. He should be better pleased to see the House act upon its own Resolution, but rather than there should be no remedy he should support the introduction of the noble Lord's Bill. There were two precedents —the one adopted in 1833. Mr. Pease came to the table of the House and said it was contrary to his religion to take an oath; and the House dispensed with the oath, and allowed him to make an affirmation, and leave out the words "on the true faith of a Christian" and "so help me, God." Had not the other House done the same, and opposed the prerogative of the Crown? When Lord Wensleydale was made a peer for life, the Lords took to themselves a power respecting their own privileges which the House of Commons ought now to take. These privileges were co-ordinate. The Bill ought not to have been brought in, but as it was better than the present state of things, he should vote for it, but he asked the noble Lord to take a bolder course, which would conciliate the people of England. Let them bring the question through by a majority of the House, and if they determined on the course he advised them, he had no fear either of the Peers or of the Judges of England who had been held up as bugbears.

Mr. NEWDEGATE:—It is perfectly obvious that this is a question which requires great and serious discussion. I must, therefore, move the adjournment of the House; but I cannot pass the statement of the hon. and learned Member for Sheffield (Mr. Roebuck) altogether without remark. He has argued the question of privilege, and has referred to the House of Lords. The hon. and learned Member argues as though this measure does not affect the constitution of both Houses, whereas, it is evident that the former Bill for the relief of the Jews, which the House of Lords rejected, affected the constitution of that House just as much as it would affect the constitution of this. To say that the Lords have claimed for themselves a privilege which they will not admit us to exercise in this House is simply to misstate the case, because both the rejected measure and the new one proposed would affect the constitution of each House. With respect to what he said about the exercise of privilege in the House of Lords, it is perfectly well known that the constitution of that House, and the appointment of its members is a matter connected with hereditary right, and has nothing whatever to do with the representative principle, and therefore, the constitution of the two Houses being different, there can be no analogy in the cases. It is altogether a mistake to declare that the House of Lords ever exercised a privilege which it would deny to the House of Commons. The House of Lords has a right to express their opinion upon any measure whatever, and this is a revolutionary attempt to crush them in the exercise of that fair expression of opinion as to their own constitution, which would have been affected by the Bill which this House passed, but which they rejected. This is simply an act of revolutionary tyranny. I beg now to move that the House do now adjourn. There are many who take a deep interest in the question like myself. This Bill is just as much a blow at the constitution of the House of Lords as an attempt to interfere with that of the House of Commons, and I shall, therefore, give it my most strenuous opposition.

Mr. SALISBURY observed, that he thought that the noble Lord (Lord J. Russell) had taken the constitutional course, and he trusted that the House would not follow the advice of the hon. and learned Member for Sheffield. He should be glad to see Baron Rothschild in the House, but he would be no party to admit him in an unconstitutional manner.

Motion made and Question put, "That this House do now adjourn."

The House *divided*:—Ayes 55; Noes 109: Majority 54.

Original Question again proposed.

Mr. WARREN moved the adjournment of the debate.

Lord JOHN RUSSELL said, that seeing the temper of hon. Gentlemen on the other side, he felt it necessary to state the position in which the question stood, and to state, that he had no wish to coerce the House of Lords into a decision upon the subject. He must, however, contend that due regard ought to be paid to the privileges of the House of Commons, and that the House of Lords alone ought not to be allowed to entertain questions by which its privileges were supposed to be affected. A few years ago he was of opinion that it was requisite to have the assent of the two Houses to any alteration of the oaths taken at the table. Since then the case of Mr. Archdall, and more recently the case of Mr. Pease, had occurred, in each of which the House of Commons had dispensed with the oath and permitted an affirmation to be taken in its stead. He also might cite the opinion of Baron Alderson in support of the view that the words "on the true faith of a Christian" had not been originally introduced into the oath for the purpose of meeting the case of the Jews, but to obviate certain doctrines which, upon the part of Roman Catholics, were supposed to have been entertained. He, therefore, believed the House had the power of admitting Baron Rothschild in a similar manner; but he should be sorry to see the House adopt that mode of proceeding, as it was contrary to the opinions of the majority of the Judges of the land. It was for the purpose of avoiding any collision that he had proposed the present Bill. But hon. Gentlemen opposite were determined not to enter into any discussion. If that was not their object, why did they move the adjournment of the House? There was no hon. Member more ready to take the substance of the oath than Baron Rothschild. This was a question of the greatest importance to the electors of the City of London, and of the country generally. If hon. Gentlemen opposite thought they could defeat the object of the Bill by delay it would take a long discussion to do so. Baron Rothschild would conceive it his duty to come to the table and raise the question as to whether he should be allowed to take his seat—and he should advise his hon. Colleague not to forfeit his rights and privileges.

MR. WHITESIDE, in answer to the noble Lord said, he and his hon. Friends near him were desirous that full discussion should take place on the important subject before them, and it was with that view that his hon. and learned Friend the Member for Midhurst had moved the adjournment of the debate. That he thought was no unreasonable proposition, seeing that it was near three o'clock. He must, however, mention, that in his opinion if Baron Rothschild were to present himself at the table in the manner referred to, he would render himself liable to the penalties of the Act.

MR. ROEBUCK contended that there was no occasion for the adjournment of the debate, as the proper time to take the discussion upon the Bill would be when it came on for second reading. He for one was disposed to move that Baron Rothschild should be allowed to take his seat in that House without the necessity of taking the oaths, and if he were to do so he (Mr. Roebuck) would be prepared to move, that any person who should prosecute the noble Baron for having taken that course should be deemed guilty of a breach of the privileges of that House.

LORD LOVAINE said, he must protest against the revolutionary doctrine which had been advanced by the hon. and learned Member who had just spoken—a doctrine which was similar to that contained in the Resolution of the hon. Member for Swansea (Mr. Dillwyn). If the House were to act in the manner suggested, there would be no longer any securities for the liberties of the people.

MR. DILLWYN said, he begged to deny that the Motion which he had announced it to be his intention to submit to the House was one of a revolutionary character; on the contrary, it would only carry out the law as it at present stood.

MR. NEWDEGATE said, that his only object in moving the adjournment of the House was that a full discussion upon the important Motion of the noble Lord the Member for London might take place. He most strongly protested against the revolutionary doctrines which had in the course of the discussion been promulgated.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 52; Noes 100: Majority 48.

Original Question again proposed.

MR. W. HUME then moved the adjournment of the House.

Motion made and Question put, "That this House do now adjourn."

The House *divided*:—Ayes 51; Noes 97: Majority 46.

Original Question again proposed.

SIR BROOKE BRIDGES then rose to express a hope that the unseemly contest in which they had been engaged should be brought to a close. He mentioned that the case was one of no ordinary nature, and should appeal to the noble Lord the Member for the City of London whether an opportunity of fully and fairly discussing it should not be afforded. He should, with that view, move the adjournment of the debate.

MR. HORSMAN observed, that the course which had been adopted by the hon. Gentlemen opposite, in opposing the introduction of a Bill, was one of a most unusual nature. The usual practice was to take the debate on the second reading.

MR. HENLEY said, that it was an unequally unusual course to ask for leave to introduce virtually the same Bill twice in the same Session; and he protested, moreover, against the introduction of a measure so important at two o'clock in the morning, after hon. Members had been exhausted by a sitting of fourteen hours.

Lord J. RUSSELL said, he could have no hope of bringing on the Bill at this period of the Session, at any other than a late hour of the night.

Mr. WALPOLE said, the noble Lord might fix Tuesday next for the Bill, as there were no Motions on the paper, except from hon. Members sitting on the same side of the House as the noble Lord, who might easily prevail on them to give way. He thought his hon. Friends around him were taking a legitimate and not unusual course in the opposition they had given to the introduction of the Bill.

Mr. PALK said, it was now so near four o'clock, that they might consider they were commencing a new day, with ample time for discussion before them.

Mr. MALINS deprecated the course pursued by Lord J. Russell, in bringing in a Bill the same in effect as one which had already been rejected in the present Session.

Mr. WARREN said, he would appeal to Lord John Russell to put an end to such an unseemly discussion, by not persevering with his Bill. If requisite he should be found at his post until that hour next day, in order to defeat such an attempt as that of the noble Lord. He would not allow the House to be bullied.

Mr. ROEBUCK rose to order. The language of the hon. and learned Gentleman was unparliamentary.

Mr. WARREN said, he would at once withdraw the expression if considered objectionable, and would thank the hon. and learned Gentleman for the lesson.

Colonel KNOX observed, that he thought the hon. Member who brought the question out of the arena of Parliament to a pot-house over the way, did not contribute to the dignity of the House.

Mr. J. LOCKE said, he was prepared to stay in his place as long as the hon. and learned Member for Midhurst (Mr. Warren) sooner than allow the Bill to be defeated in the manner attempted.

Mr. NEWDEGATE observed, that he had no doubt but the conduct of the Opposition that night would be duly appreciated by the country.

Motion made, and Question proposed, "That the Debate be now adjourned.

The House *divided*:—Ayes 49; Noes 83: Majority 34.

Original Question again proposed.

Viscount GALWAY said, he now rose to move what he thought would be considered a most reasonable proposition, namely, that the House do now adjourn. The hon. and learned Member for Sheffield had made some impertinent remarks. [Mr. Speaker called the noble Lord to order.] He meant to say, that the remarks of the hon. and learned Gentleman were not pertinent. However, in discussing the question of adjournment, they ought not to forget they were breaking the Jewish Sabbath.

Mr. WALPOLE said, he would second the Motion out of consideration for the Speaker in the chair.

Motion made, and Question proposed, "That this House do now adjourn."

Mr. BIGGS said, he was of opinion that the conduct of the Opposition on this occasion was unworthy the Commons of England.

Lord JOHN RUSSELL conceived that he had been perfectly justified in bringing forward the Bill; but looking at the temper of the House, and seeing that there was nothing very important on the paper for Tuesday, he would consent to adjourn the debate till that day. As many hon. Gentlemen desired to seat Baron Rothschild by Resolution, he certainly should persevere with his Bill, in the hope of preventing a collision, and it would not be his fault if his conciliatory course was not adopted. If, however, the noble Lord (Viscount Galway) would allow his Motion for the adjournment of the House to be negatived, he (Lord J. Russell) would consent to the adjournment of the debate to Tuesday.

Motion and Original Question, by leave, *withdrawn.*

House adjourned at half after Four o'clock till *Monday* next.

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TO

HANSARD'S PARLIAMENTARY DEBATES,
VOLUME CXLVI.

SECOND VOLUME OF SESSION 1857 (b).

Explanation of the Abbreviations.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.*, Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion. —*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.*, First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

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In pages 179-180, *for* Mr. C. CLIVE *read* Mr. G. CLIVE.

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